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**CITY AND COUNTY OF
SAN FRANCISCO
MUNICIPAL CODE**

**ADMINISTRATIVE
CODE**



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CITY AND COUNTY OF SAN FRANCISCO

MUNICIPAL CODE

Charter

Administrative Code

Building and Related Technical Codes

Business and Tax Regulations Code

Campaign and Governmental Conduct Code

Environment Code

Fire Code

Health Code

Municipal Elections Code

Park Code

Planning Code

Police Code

Port Code

Public Works Code

Subdivision Code

Traffic Code

**PREFACE TO THE
ADMINISTRATIVE CODE**

The San Francisco Municipal Code contains ordinances enacted through Ordinance 275-05, File Number 051250, Approved November 30, 2005 (December 2005 S-73). The Administrative Code was last amended by Ordinance 253-05, File Number 051357, Approved November 17, 2005. A legislative history, containing ordinance number and approval date, is located at the conclusion of most sections. The legislative histories of ordinances approved after March 1999 also contain Board of Supervisors file numbers.



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SEC. 1.1. HOW CODE DESIGNATED AND CITED.

This ordinance shall constitute and be designated and shall be cited as the San Francisco Administrative Code.

SEC. 1.2. CATCHLINES OF SECTIONS.

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

SEC. 1.3. OFFICIAL FLAG.

The City and County shall have an official flag to be known as "The Flag of San Francisco."

The flag shall be as follows:

A phoenix rising from the flames, below which shall appear the motto "Oro en Paz — Fierro en Guerra" (gold in peace; iron in warfare), both in a golden hue on a field of white, with the flag itself bordered with gold.

The words "San Francisco" shall appear horizontally along the lower portion of the flag, below the phoenix and the motto, in letters of appropriate size, rich blue in coloring. (Ord. No. 979 (1939), Sec. 1)

SEC. 1.5. OFFICIAL FLOWER DESIGNATED.

The dahlia is hereby designated the official flower of the City and County. (Reso. No. 26244 (N S))

SEC. 1.5-1. OFFICIAL SONG AND BALLAD DESIGNATED.

The musical composition "San Francisco" with music by Bonislaw Kaper and Walter Jurmann and lyrics by Gus Kahn is hereby designated as the official song of the City and County, and "I Left My Heart in San Francisco" with music by George Cory and lyrics by Douglass Cross is hereby designated as the official ballad of the City and County. (Added by Ord. 307-69, App. 10/24/69; amended by Ord. 247-84, App. 5/23/84)

SEC. 1.5-2. OFFICIAL COLORS DESIGNATED.

The colors black and gold are hereby designated as the official colors of the City and County of San Francisco. (Added by Ord. 93-79, App. 3/2/79)

SEC. 1.5-3. OFFICIAL BIRD DESIGNATED.

The California Quail (*Callipepla californica*) is hereby designated the official bird of the City and County of San Francisco. (Added by Ord. 246-00, File No. 001436, App. 10/27/2000)

SEC. 1.6. CORPORATE SEAL.

(a) A corporate seal of the City and County is hereby adopted and established as the official seal of the City and County.

(b) The official seal is described as follows: A shield supported by a miner on the left and a sailor on the right, with a device of a steamship passing the Golden Gate, at the foot of the supporters, emblems of commerce, navigation and mining, at the crest, a phoenix issuing from flames, below which shall appear a motto consisting of the words "Oro en Paz — Fierro en Guerra" (gold in peace, iron in warfare), and around the margin the words "Seal of the City and County of San Francisco"

(c) The Clerk of the Board of Supervisors shall have the custody of the corporate seal. The use of the corporate seal of the City and County of San Francisco shall be for purposes directly connected with official business of the City and County, and those matters approved by the Board of Supervisors by resolution.

(d) The Clerk of the Board is empowered to authorize the use of the City seal on items that are offered for sale by the City and County of San Francisco for the purpose of promoting the City and

County of San Francisco. Prior to authorizing such use, the Clerk shall procure from the Director of Administrative Services a plan describing the items that would bear the City seal. Such plan shall include the criteria used in determining the proposed items and an analysis of the marketability of each item. Only those items bearing the City seal that have been authorized by the Clerk pursuant to this Section may be offered for sale by the City and County of San Francisco. The Clerk of the Board is empowered to authorize the use of the City seal on the face of San Francisco Affinity Credit Cards and San Francisco Affinity Prepaid Phone Cards that are offered for sale in connection with San Francisco Affinity Credit Card and San Francisco Affinity Prepaid Phone Card Programs to be developed by the City.

(e) Every person who maliciously or for commercial purposes, or without the prior approval of the Board of Supervisors, uses or allows to be used any reproduction or facsimile of the Seal of the City and County of San Francisco in any manner whatsoever is guilty of a misdemeanor. (Added by Ord. 534-79, App. 11/2/79; amended by Ord. 98-99, File No. 990407, App. 4/30/99)

SEC. 1.6-1. OFFICIAL KEY.

The City and County shall have an official key to be known as "The Key To The City of San Francisco."

The Mayor of the City and County shall have custody of the official key to the City of San Francisco and shall have sole authority to designate the recipients thereof. In the exercise of said authority the mayor shall be guided by the established rules of protocol or by the performance, in his or her judgment, of significant services to the City and County of San Francisco. (Added by Ord. 257-65, App. 10/8/65; amended by Ord. 98-99, File No. 990407, App. 4/30/99)

SEC. 1.7. DISCLAIMERS IN EMINENT DOMAIN PROCEEDINGS BROUGHT BY UNITED STATES.

The City Attorney is hereby authorized, empowered and directed to file a disclaimer in eminent domain proceedings brought by the United States of America in actions involving parcels of land in which

the City and County claims no right, title or interest. (Ord. No. 1848 (1939), Sec. 1)

SEC. 1.7-1. DISMISSAL OF PUBLIC NUISANCE ABATEMENT ACTION.

Any action or proceeding, heretofore or hereafter commenced by the City Attorney for the purpose of abating or enjoining the maintenance, operation, construction or use of any premises, building, structure or part thereof, as a public nuisance by reason of violation therein of the San Francisco Municipal Code or State law, may be dismissed. The City Attorney is hereby authorized and directed to dismiss any such action or proceeding when, before judgement in said action or proceeding, the department head or other administrative official of the City and County of San Francisco having jurisdiction over the enforcement of the San Francisco Municipal Code or State law pertaining to the maintenance, operation, construction or use of said premises, building or structure finds, and he or she advises the City Attorney in writing that he or she has so found, that said premises, building, structure, or part thereof, or the use thereof, no longer constitute a public nuisance and that legal proceedings in relation thereto are no longer necessary.

Nothing herein contained shall authorize or require the City Attorney to dismiss any such action or proceeding wherein, in addition to seeking an abatement of or injunction against any such public nuisance, money damages are claimed. (Added by Ord. 112-63, App. 5/15/63)

SEC. 1.7-2. DISMISSAL OF ACTION BY ATTORNEY FOR THE TAX COLLECTOR WHEN FULL AMOUNT PAID.

The Attorney for the Tax Collector is hereby authorized to dismiss with prejudice any action brought by him or her when the full amount due the City and County of San Francisco is paid in full. (Added by Ord. 175-65, App. 6/30/65)

SEC. 1.9. INSPECTION OF AGRICULTURAL PRODUCTS PRIOR TO SHIPMENT—DUTY OF COUNTY AGRICULTURAL COMMISSIONER.

It shall be the duty of the County Agricultural Commissioner, at the request of any shipper desiring

to ship agricultural products, and upon the payment of the fees required by the following section, to inspect the products to be shipped and to issue to the shipper thereof a certificate certifying to the inspection and to the condition of the products. (Bill No. 679, Ord. No. 3.04142 (C.S.), Sec. 3)

SEC. 1.10. INSPECTION OF AGRICULTURAL PRODUCTS PRIOR TO SHIPMENT—INSPECTION FEES.

The fees to be charged for inspection and certificates for agricultural products to be shipped, effective July 1, 2003, shall be as follows:

Number of packages:

(a)	1 — 100	\$29.00
	101 — 200	\$35.00
	201 — 500	\$40.00
	501 — 1000	\$35.00 plus one cent per package over 500 packages
	Over 1000	\$40.00 plus one-half cent per package over 1,000 packages.

(b) For each certificate of fumigation: \$30.00.

(c) Twenty-five dollars shall be the minimum charge for any single certificate.

(d) The County Agricultural Commissioner may develop procedures for the collection of any fees authorized by this Section. (Amended by Ord. 176-80, App. 5/2/80; Ord. 363-91, App. 10/14/91; Ord. 315-95, App. 10/13/95; Ord. 139-03, File No 030628, App. 6/20/2003)

SEC. 1.10-1. FARMERS' MARKET CERTIFICATION FEE.

(a) **Imposition of Fee.** The County Agricultural Commissioner is hereby authorized to impose a fee for the issuance, modification, verification and renewal of a farmers' market certificate for any "certified farmers' market," as defined in Title 3 of the California Code of Regulations, Section 1392.2(a), operating within the City and County of San Francisco. Such fee shall be equal to \$500 for the issuance, modification, verification or renewal of any such farmers' market certificate.

(b) **Procedures.** The County Agricultural Commissioner may develop procedures for the collection of any fee authorized by this Section.

(c) **Effective date.** This Section shall be effective as of October 1, 1995. (Added by Ord. 316-95, App. 10/13/95)

SEC. 1.10-2. QUARANTINE INSPECTION FEES.

The County Agricultural Commissioner is hereby authorized to impose fees for the inspection of shipments of any agricultural products sent to the City and County of San Francisco, to ensure compliance with California quarantine law, as follows:

(a) **Inspections Made Outside Regular Business Hours.** In the case of inspections which must be made outside of regular business hours or on any weekend day or legal holiday, due to the time of arrival of the shipment in the City and County of San Francisco, the fee authorized by this Section shall be a minimum of \$135 plus \$45 per hour for any hour or portion thereof in excess of three hours required to complete the inspection, and \$0.30 per mile traveled to perform such inspections.

(b) **Inspections of Quarantine Shipments Which Require Special Handling.** In the case of (1) shipments of agricultural products sealed at the California state border by the California Department of Food and Agriculture, which includes shipments with a "Warning Hold Notice," and (2) any shipments which have not passed an initial inspection and which require follow-up inspection by the County Agricultural Commissioner to ensure compliance with California quarantine law, the fee authorized by this Section shall be \$35 per hour, and \$0.30 per mile traveled to perform such inspections.

(c) **Procedures.** The County Agricultural Commissioner may develop procedures for the collection of any fees authorized by this Section.

(d) **Effective Date.** This Section shall be effective as of October 1, 1995 (Added by Ord. 317-95, App. 10/13/95)

SEC. 1.10-3. SALAD PRODUCTS PROCESSOR INSPECTION FEES.

(a) **Imposition of Fee.** The County Agricultural Commissioner is hereby authorized to impose a fee for inspection of salad products processors in an amount of 4-1/2 cents per 20-pound master carton or .0025 cents per pound. Such inspections are authorized

pursuant to Title 3 of the California Code of Regulations, Sections 1438.22 et seq. Where repeated violations of those sections occur, the County Agricultural Commissioner is hereby authorized to impose fees necessary to cover the cost of additional inspections necessitated by such violations.

(b) **Procedures.** The County Agricultural Commissioner may develop procedures for the collection of any fees authorized by this Section.

(c) **Effective Date.** This Section shall be effective as of October 1, 1995. (Added by Ord. 318-95, App. 10/13/95)

SEC. 1.11. INSPECTION OF AGRICULTURAL PRODUCTS PRIOR TO SHIPMENT— INSPECTION OF IMPORTED VEGETABLES.

It shall be the duty of the County Agricultural Commissioner, at the request of the consignor or consignee, to inspect all vegetables shipped from any point outside of the United States of America to the City and County (irrespective as to whether such vegetables are shipped directly to the City and County or by reshipment from points within the United States) for the purpose of ascertaining if the vegetables are fit for human consumption. The inspection may be made either at the time of arrival of the vegetables in the City and County or at any other time before they are finally disposed of. (Bill No. 679, Ord. No. 3.04142 (C.S.), Sec. 5)

SEC. 1.12. INSPECTION OF AGRICULTURAL PRODUCTS PRIOR TO SHIPMENT— INSPECTION OF IMPORTED VEGETABLES— FEES.

The fees to be paid by the person requesting the inspection provided for by the preceding section shall be two cents for each package (not above standard size) inspected by the County Agricultural Commissioner. (Bill No. 679, Ord. No. 3.04142 (C.S.), Sec. 6)

SEC. 1.13. INSPECTION OF AGRICULTURAL PRODUCTS PRIOR TO SHIPMENT— CERTIFICATE OF INSPECTION; DESTRUCTION OF UNFIT VEGETABLES.

The County Agricultural Commissioner shall, on the payment of the fees provided in Sections 1.10 and

1.12 of this Code, furnish to the person requesting the inspection a certificate showing the total number of packages of vegetables inspected, the number fit for human consumption and the number unfit for human consumption; and shall destroy all of such vegetables found to be unfit for human consumption. (Bill No. 679, Ord. No. 3.04142 (C.S.), Sec. 7)

SEC. 1.13-1. REGISTRATION FEES—PEST CONTROL OPERATORS AND ADVISERS.

Pursuant to the California Food and Agricultural Code, Sections 11734, 12034 and 15204, giving the Board of Supervisors authority to establish reasonable fees for registration of Pest Control Operators and Pest Control Advisers, the fees to be charged effective January 1, 1989, are:

\$50 for Agricultural Pest Control Operators.

\$25 for Maintenance Gardeners.

\$10 for Structural Pest Control Operators.

\$10 for a resident Agricultural Pest Control Adviser, and

\$5 for a nonresident Agricultural Pest Control Adviser. (Added by Ord. 177-80, App. 5/2/80; amended by Ord. 359-88, App. 8/5/88)

SEC. 1.13-2. ENFORCEMENT OF SHELL EGG STANDARDS.

The President of the Board of Supervisors is hereby authorized to execute an annual contract between the Director of Agriculture of the State of California and the Board of Supervisors of the City and County for services for enforcement of State standards for shell eggs and enforcement of federal surveillance program for shell eggs as provided in Section 40531 and 40532 of the Agricultural Code of the State of California. (Added by Ord. 202-72; App 7/13/72)

SEC. 1.13-3. AGRICULTURAL AND/OR PESTICIDE-RELATED CONTRACTS.

The President of the Board of Supervisors is hereby authorized to execute all contracts between the City and County of San Francisco and the California Department of Pesticide Regulations, the California Department of Food and Agriculture and any other State agencies with jurisdiction over agricultural and/or pesticide-related activities for the performance

of such activities by or under the jurisdiction of the San Francisco County Agricultural Commissioner. (Added by Ord. 581-80, App. 12/19/80; amended by Ord. 362-91, App. 10/14/91; Ord. 347-95, App. 11/13/95; Ord. 483-96, App. 12/20/96)

SEC. 1.13-4. INSPECTION OF NURSERY STOCK.

The President of the Board of Supervisors is hereby authorized to execute an annual contract between the Director of Food and Agriculture of the State of California and the Board of Supervisors of the City and County of San Francisco for inspection of nursery stock at producers, and retail nursery locations in San Francisco. (Added by Ord. 128-83, App. 3/11/83)

SEC. 1.13-5. WEIGHTS AND MEASURES—PERMITS.

All weighing and measuring devices inspected or tested by the County Sealer of Weights and Measures pursuant to Business and Professions Code Section 12210 shall be registered annually with the County Sealer. The fee charged by the County Sealer for such registration shall be used to offset the costs of inspecting and testing said devices.

The fee to be charged, effective January 1, 1995, shall be as follows:

Number of Devices	Charge Per Location
1 — 3	\$ 40.00
4 — 9	80.00
10 — 19	120.00
20 — 25	160.00
Over 25	200.00

The electric meter and gas vapor meter of a mobile home park, recreational vehicle park, and apartment complex, where the owner of the park or complex owns and is responsible for the utility meters, shall be inspected and tested as frequently as required by regulation. An annual fee of \$60 per park or complex, and a fee of \$2 per space or apartment unit shall be collected from the owner of the park or complex for the inspection and testing of the meter.

The County Sealer shall promulgate such rules and regulations as are reasonable and necessary to implement this ordinance.

The penalty for fees not paid within 30 days of billing shall be 100 percent. (Amended by Ord. 20-86, App. 2/7/86; Ord. 236-88, App. 6/10/88; Ord. 421-94, 12/23/94)

SEC. 1.13-6. QUANTITY CONTROL OF PREPACKAGED ITEMS.

The Sealer of Weights and Measures is hereby authorized to execute an annual agreement between the Director of Agriculture of the State of California and the City and County of San Francisco to provide services for quantity control of prepackaged items and maintain a viable weights and measures program. (Added by Ord. 314-87, App. 7/17/87; amended by Ord. 57-89, App. 3/9/89)

SEC. 1.13-7. KOSHER FOOD RECORDS.

The President of the Board of Supervisors is hereby authorized to execute an annual contract between the Director of Agriculture of the State of California and the Board of Supervisors of the City and County of San Francisco to provide services for inspection of kosher food records. (Added by Ord. 328-87, App. 7/31/87)

SEC. 1.13-8. PETROLEUM PRODUCTS.

The Sealer of Weights and Measures is hereby authorized to execute an annual agreement between the Director of Agriculture of the State of California and the City and County of San Francisco to provide services for inspection of establishments that sell or distribute petroleum products. (Added by Ord. 57-89, App. 3/9/89)

SEC. 1.13-9. PEST DETECTION AND TRAPPING.

The President of the Board of Supervisors or his or her designee is hereby authorized to execute an annual contract between the City and County of San Francisco and the California Department of Food and Agriculture to authorize the County Agricultural Commissioner-Sealer of Weights and Measures to perform exotic pest detection and trapping on behalf of the State of California. (Added by Ord. 318-96, App. 8/8/96, amended by Ord. 187-04, File No. 040759, App. 7/22/2004)

**SEC. 1.14. WEIGHTS AND MEASURES—
SCALES TO BE SEALED BY SEALER OF
WEIGHTS AND MEASURES.**

It shall be unlawful for any person, at any place of business in the City and County, to advertise, offer for sale or sell, or to cause or knowingly permit the advertising, offering for sale or selling of any smoked, fresh or pickled meats, poultry, rabbits or fish, except shanks, offal, heads and plucks, other than by weight, determined on a scale by weight or a beam, properly sealed by the Sealer of Weights and Measures. (Bill No. 891, Ord. No. 11.1 71 (C.S.), Sec. 1)

**SEC. 1.15. WEIGHTS AND MEASURES—
SCALES OF PEDDLERS AND HAWKERS.**

All itinerant peddlers and hawkers using scales, balances, weights or measures shall take the same to the office of the Sealer of Weights and Measures, before any use is made thereof, and have the same sealed and adjusted annually. Tax Collector shall issue a license to such peddlers only upon a certificate from the Sealer of Weights and Measures that this Section has been complied with. (Ord. No. 2698 (N.S.), Sec. 8)

**SEC. 1.15.1. FEES FOR TESTING WEIGHING
AND MEASURING DEVICES.**

(a) For purposes of this Section, the term "commercial purposes" shall have the meaning prescribed in Section 12500 of the California Business and Professions Code.

(b) Pursuant to the California Business and Professions Code, Division 5, Chapter 2, Article 2, Sections 12210(b) and 12210.5, the Board of Supervisors hereby directs the County Agricultural Commissioner-Sealer of Weights and Measures to calibrate, test, weigh, and measure, and certify to the accuracy of, weights and measures and weighing and measuring devices and instruments, tools and accessories connected therewith, whether or not used for commercial purposes, upon the written request of any person. The Board of Supervisors hereby authorizes the County Agricultural Commissioner-Sealer of Weights and Measures to establish a schedule of fees for testing of weighing and measuring devices initiated by written request. Pursuant to Section 12210.5 of the California Business and Professions Code, the fee schedule established shall be

in accordance with those fees established by the Director of Agriculture of the State of California. The fee schedule shall be ratified by resolution of the Board of Supervisors.

(c) After any commercial weighing or measuring instrument or device has been tested as prescribed by Section 12210(a) of the California Business and Professions Code and found to be outside the tolerances or specifications set by the California Department of Food and Agriculture, the County Agricultural Commissioner-Sealer of Weights and Measures may reinspect, retest and recertify such an instrument or device in order to determine if it is within those tolerances and specifications. Owners or operators of commercial weighing or measuring devices that fail such an initial test shall be charged for any required retesting the same fee established for tests conducted upon written request.

(d) Immediately upon the approval of a change in the fees by the State of California, the County Agricultural Commissioner-Sealer of Weights and Measures shall forward to the Board of Supervisors, for the Board's ratification, the change in the fees. (Added by Ord. 155-81, App. 4/3/81; amended by Ord. 449-88, App. 10/6/88; Ord. 417-93, App. 12/23/93; Ord. 187-04, File No. 040759, App. 7/22/2004)

SEC. 1.15.2. TAXIMETERS.

There shall be no fee charged for the retesting, reinspection or recertification of taximeters occasioned by any taxicab rate change adopted by the Board of Supervisors during 1998, subject to the following conditions:

(1) The fee waiver shall begin the day the rate change takes effect;

(2) The waiver shall only apply to those taxicabs and taximeters for which the registration fee for 1998 has been paid; and

(3) The waiver shall only apply to those taxicabs and taximeters which already have been inspected and sealed, and for which the taximeter is found to be initially correct and accurate in service at the newly approved taximeter rate. If the taximeter fails to pass the required inspection for the new rate accuracy test, a fee of two times the regular test fee shall be charged for the reinspection. (Added by Ord. 192-98, App. 6/12/98)

**SEC. 1.19. ANNUAL TAX RATE
ORDINANCE: AMENDMENT TO THE
ANNUAL APPROPRIATION ORDINANCE.**

In order to comply with the time limitation set forth in Section 6.208 of the Charter, the Controller is hereby authorized and directed to prepare and submit to the Board of Supervisors, not later than August 28th of each year, an ordinance, designated the Annual Tax Rate Ordinance, providing for the levying of a tax, the estimated proceeds of which, together with the total amount of receipts and revenues estimated to be

[Section 1.19 continues on page 13.]

received from all sources, will be sufficient to meet all appropriations made by the Annual Appropriation Ordinance.

As a prerequisite to the levying of a tax pursuant to Section 6.208 of the Charter, the Controller is further authorized and directed, concurrently and in conjunction with the submission of the Annual Tax Rate Ordinance, to prepare and submit to the Board of Supervisors, without reference or amendment to the Annual Budget, an amendment to the Annual Appropriation Ordinance to effect necessary adjustments pursuant to Section 6.208 of the Charter and other requirements. (Added by Ord. 254-63, App. 9/12/63)

SEC. 1.19-1. DISTRIBUTION OF TAX PROCEEDS LEVIED IN ACCORDANCE WITH SECTION XIII-A OF CALIFORNIA CONSTITUTION AND DISTRIBUTED IN ACCORDANCE WITH STATE LAW.

The Controller is hereby authorized and directed to apportion and distribute the proceeds from the annual tax rate levy as follows:

The San Francisco United School District shall receive 7.732047 percent of the proceeds;

The Community College District of the City and County of San Francisco shall receive 1.438021 percent of the proceeds;

The San Francisco Bay Area Rapid Transit District shall receive 0.630043 percent of the proceeds;

The Bay Area Air Quality Management District shall receive 0.208429 percent of the proceeds;

The County Superintendent of Schools shall receive 0.103108 percent of the proceeds;

The City and County of San Francisco shall receive 89.888352 percent of the proceeds.

The above distribution is exclusive of that amount levied and collected to pay the interest and redemption charges on any indebtedness approved by the voters. The percentage distribution of the tax rate proceeds received by any district may be reduced proportionately to reflect any benefits from the State for restrictive or nonrestrictive purposes. (Amended by Ord. 464-79, App. 9/21/79)

SEC. 1.20. LIMITATION ON SPECIAL ASSESSMENTS.

Special assessments shall not exceed 50 percent

of the assessed value of the land on which the special assessment is levied, except that when such assessments are authorized to be paid in installments over a period not to exceed 10 years, no annual installment payment shall exceed 25 percent of the assessed value of the land on which the special assessment is levied. (Added by Ord. 439-96, App. 11/8/96)

SEC. 1.22. PAYMENT OF FEES BY THE PUBLIC ADMINISTRATOR TO THE COUNTY CLERK.

No fee shall be due from the Public Administrator to the County Clerk at the time of filing of any petition nor at the time of performance of any other official service performed by the County Clerk in the course of the proceeding.

In each such proceeding, the said fee or other charges for any other official service performed by the County Clerk in the course of the proceeding shall be due and payable to the County Clerk from the Public Administrator within 30 days from and after receipt of funds by the Public Administrator belonging to the said estate, provided, further, that said fee or other charges for any other official service performed by the County Clerk in the course of the proceeding shall be reduced to the extent that the full amount thereof shall not exceed the available funds belonging to the said estate. (Added by Ord. 55-70, App. 3/20/70)

SEC. 1.24. HOLD HARMLESS AGREEMENTS.

The City's Risk Manager is authorized to approve hold harmless agreements between the City and other persons or entities, if the Risk Manager determines that: (1) entering into such an agreement either (a) falls within normal business practices or (b) represents a prudent decision in light of all the circumstances; (2) the cost of the hold harmless provision is reflected in the price of the agreement; and (3) the hold harmless provision is necessary in order for the City to carry out a public purpose. The Risk Manager shall confer with the Controller and the City Attorney as necessary and appropriate in making his or her determinations.

The Risk Manager may approve hold harmless agreements by specific transaction or by general category. Any prior authorization for hold harmless agreements granted by the Board of Supervisors, either for specific transactions or for general categories of transactions, shall remain in effect.

The Risk Manager shall maintain a record of all hold harmless agreements he or she has approved and shall submit a copy of that list to the Board of Supervisors, with copies to the Controller and the City Attorney, on a quarterly basis. (Added by Ord. 98-99, File No. 990407, App. 4/30/99)

SEC. 1.27. AUTHORITY OF POLICE CHIEF, DISTRICT ATTORNEY AND SHERIFF WITH RESPECT TO CONTRACTS WITH STATE FOR WITNESS PROTECTION.

The Chief of Police, District Attorney and Sheriff are hereby authorized to enter into contracts with the State of California, Department of Justice, in order to participate in the California Witness Protection Program. (Amended by Ord. 99-81, App. 2/26/81)

SEC. 1.29. VOTING REQUIREMENTS FOR MEMBERS OF COMMISSIONS, COMMITTEES AND OTHER BODIES CREATED BY LEGISLATIVE ACTION.

Each member of a commission, committee, task force, council, or other body created by legislative action who is present at a meeting of such body when a question is put to a vote shall vote "yes" or "no" on the question, unless the member is excused from voting by a motion adopted by a majority of the members present or unless voting on the question would constitute a violation of applicable provisions of City or State law pertaining to conflict of interest. (Added by Ord. 478-81, App. 9/21/81; amended by Ord. 98-99, File No. 990407, App. 4/30/99)

SEC. 1.30. AUTHORIZING CONTRACTS WITH PUBLIC UTILITIES FOR THE REMOVAL OF HAZARDOUS MATERIALS.

(a) The Mayor is hereby authorized to execute contracts with public utilities under the regulatory authority of any State or federal agency and beyond the jurisdiction of the police power of the City and County of San Francisco for the purpose of securing the removal from the City and County of San Francisco of the following hazardous materials:

1. Polychlorinated biphenols.

(b) Said contract shall secure the prompt removal from the City and County of San Francisco of the hazardous materials listed in Subsection (a).

(c) Said contract is subject to the review and

approval or disapproval of the Board of Supervisors. Thereafter, the Mayor shall submit the contract to the state or federal agency for the approval necessary to ensure its enforcement.

(d) In negotiating a timetable for the prompt removal of the hazardous materials listed in Subsection (a), the Mayor shall consider, inter alia, the danger to the public posed by the presence of such material, the feasibility and cost of removal, the availability of alternative materials and devices, and the capability of the utility to accomplish the removal of such hazardous materials. (Added by Ord. 500-83, App. 10/14/83)

SEC. 1.35. TELPAK CIRCUIT SYSTEM; STOLEN VEHICLES.

The Police Commission, subject to the budget and fiscal provisions of the Charter, is hereby authorized to enter into an agreement with the State of California, acting by and through the California Highway Patrol, for the use of the Telpak Circuit System in connection with the reporting and recovery of stolen vehicles. (Added by Ord. 70-65, App. 3/19/65; amended by Ord. 151-00, File No. 000803, App. 6/30/2000)

SEC. 1.36. ALAMEDA COUNTY POLICE INFORMATION NETWORK SYSTEM.

The Police Commission, subject to the budget and fiscal provisions of the Charter, is hereby authorized to enter into an agreement with the County Law Enforcement of Alameda, State of California, to provide for the participation of the San Francisco Police Department in the police information network system maintained by said county to serve participating law enforcement agencies. (Added by Ord. 252-66, App. 9/27/66; amended by Ord. 151-00, File No. 000803, App. 6/30/2000)

SEC. 1.48. CITY STORE—MERCHANDISE—PROFITS.

(a) **Findings.** The Board of Supervisors hereby finds and declares that the establishment of a San Francisco City Store which sells surplus or salvage City goods and souvenir merchandise bearing City marks, logos, emblems and symbols to the public shall serve the purpose of increasing public awareness of and participation and civic pride in the City and County of San Francisco. It shall also help to promote

the City as a worldwide tourist destination and convention center, thereby benefiting the overall economy of the City.

(b) **Establishment of a City Store.** The Director of Administrative Services or the Purchaser is hereby authorized to take all actions necessary to establish a San Francisco City Store for the purpose of selling to the public City surplus or salvage goods offered by any department or commission for such purpose, newly manufactured souvenir merchandise bearing City marks, logos, emblems, symbols and designs and duplicates of unique goods routinely purchased by the City to promote and advertise the City and County of San Francisco.

(1) The Director of Administrative Services or the Purchaser may also provide for the sale of City Store merchandise through direct mail catalogue programs and agreements with retailers and distributors.

(2) The Director of Administrative Services or Purchaser shall ensure that a portion of the profits from the sale of City surplus or salvage goods is credited to the department or commission which offered them for sale, with the exception that all revenues received by City from the sale of salvage goods which were originally purchased with monies from a special fund shall be credited to the account of such special fund. (Added by Ord. 236-95, App. 7/7/95; amended by Ord. 278-96, App. 7/3/96)

SEC. 1.50. OFFICERS OF THE CITY AND COUNTY

The officers of the City and County shall be the officers elected by vote of the people, members of the Board of Education, members of boards and commissions appointed by the Mayor and the Board of Supervisors, members of the Building Inspection Commission, members of the Ethics Commission, members of the Elections Commission, members of the Retirement Board, members of the Health Service Board, members of the Sunshine Ordinance Task Force, members of the Youth Commission, members of the Small Business Commission, members of the Board of Law Library Trustees, the Superintendent of Schools, the executive appointed as the chief executive officer under each board or commission, the Controller, the City Administrator, the head of each

department under the Mayor, and such other officers as may hereafter be provided by law or so designated by ordinance. (Added by Proposition E, 11/4/2003) (Former Sec. 1.50 added by Ord. 277-96, App. 7/3/96; amended by Ord. 98-99, File No. 990407, App. 4/30/99; Ord. 186-00, File No. 000859, App. 8/11/00; repealed by Proposition E, 11/4/2003)

SEC. 1.51. PROCEDURE BY GENERAL LAW OR ORDINANCE.

Where a procedure for the exercising of any rights and powers belonging to a city, or a county, or a city and county, relative to the establishment or change of grades and the layout, extension, opening, widening, changing, closing, vacating, paving, repaving or otherwise improving streets and highways and public places and constructing sewers, drains, conduits and culverts, subways, tunnels, viaducts, and bridges, or other public improvements incidental or appurtenant thereto, to planting trees, constructing parking and removing weeds or the executing of any other public work or improvement hereby or hereafter placed under the jurisdiction of the Department of Public Works, and the payment of damages, or levying of special assessment to defray the whole or part of the cost of such works or improvements is provided by statute of the State of California, such procedure shall control and be followed, unless a different procedure is provided in or under authority of the Charter or by ordinance continued by the Charter or any such ordinance hereafter amended or by ordinance passed by the Board of Supervisors, and the Board of Supervisors is hereby empowered to provide by ordinance for any such purpose. (Added by Ord. 439-96, App. 11/8/96)

SEC. 1.52. REPAIR OF ACCEPTED STREETS.

When any roadway of a street or portion thereof for not less than one continuous block has been paved in accordance with the specifications of the Department of Public Works, and is in good condition, and sewer, gas and water pipes have been laid therein, the same shall be accepted by the Supervisors by ordinance on the written certificate of the City Engineer, and thereafter such portion of the roadway of said street shall be kept in repair and

improved by the City and County. It shall be the duty of the owner of any property fronting on a public street to keep the sidewalk in front thereof in good repair and condition and the Board of Supervisors is hereby empowered to provide by ordinance for the repair of such sidewalks in all cases where the owner fails and neglects to repair the same.

Nothing herein contained shall relieve any railway company from making repairs to the roadway of any street in conformity with the terms of its franchise or as provided by law. (Added by Ord. 439-96, App. 11/8/96)

SEC. 1.53. SEWER, WATER AND OTHER CONNECTIONS.

The Director of Public Works shall have authority, in the manner provided by ordinance by the Board of Supervisors:

(a) To order the laying of sewer, water, gas and other mains, conduits or connections, whenever, in view of contemplated street improvements or as a sanitary regulation, such construction is recommended by the City Engineer; and

(b) To order that excavations, fences, embankments or grades on private property in a condition deemed by him as endangering the persons or property of those using the abutting streets, shall be put in such condition as to insure the safety of the public. (Added by Ord. 439-96, App. 11/8/96)

SEC. 1.56. ANNUAL REPORTS.

(a) Every board or commission of the City and County shall prepare an annual report describing its activities as part of the Annual Statement of Purpose required under Charter Section 4.102(2). The report shall contain a general summary of the department's services and programs presented in terms and format accessible to the average citizen, and any highlights and achievements of the prior year that the department wishes to include.

(b) Boards, commissions and department heads required to prepare annual reports pursuant to this Section or Section 2A.30 shall post the reports on the City's official website, and transmit the Uniform Resource Locator (URL) for each report to the Documents Department of the San Francisco Public

Library within 10 days of final approval of the report. The Documents Department shall maintain a directory of the URLs for posted reports.

(c) Where no date is otherwise specified by law, each board, commission or department head required to prepare an annual report pursuant to this Section or Section 2A.30 shall inform the Clerk of the Board of Supervisors in writing of the date by which the board, commission or department head shall annually post the report.

(d) No board, commission or department head may authorize the expenditure of City funds for the purpose of procuring the printing of an annual report without prior approval of the Board of Supervisors. Where a board, commission or department head proposes to cause an annual report to be printed, the board, commission or department head shall submit a written request to the Board of Supervisors explaining the need for a printed report and the projected cost of printing. The Board of Supervisors may approve or deny the request by resolution. Nothing in this paragraph is intended to prohibit any City official or employee from printing a copy of an annual report from the City website, or to prohibit a board, commission or department head from retaining hard copies of an annual report pursuant to a record retention policy. City Department officials or employees, including City Library employees shall print or assist in arranging for the prompt printing of a copy of an annual report from the City website when requested to do so by a member of the public. (Added by Ord. 311-98, App. 10/16/98; amended by Ord. 14-03, File No. 021815, App. 1/31/2003)

SEC. 1.58. PERMITS FOR UNITED NATIONS AND HALLIDIE PLAZAS.

(a) **Definitions.** For purposes of this Section "United Nations Plaza" shall mean the area comprised of Fulton Street between Hyde and Market streets and Leavenworth Street between McAllister and Fulton streets, previously closed to vehicular traffic by the Board of Supervisors.

"Hallidie Plaza" shall mean the area bounded by the northwesterly line of Market Street, the southerly line of Eddy Street and the westerly line of Lot 13, Assessor's Block 341.

(b) **Permitting Authorities.** Permits for the use of United Nations Plaza and Hallidie Plaza shall be issued by the Recreation and Park Department or the Recreation and Park Commission according to the procedures and standards established for the issuance of permits for the use of property under the jurisdiction of the Recreation and Park Commission; provided, however, that the Recreation and Park Department and the Recreation and Park Commission shall only issue permits for activities that are recreational in nature or that are engaged in primarily for the purpose of espousing or advocating causes or ideas, which activities are generally recognized as protected by the First Amendment to the U.S. Constitution. Permits to engage in any other type of activity in United Nations or Hallidie Plaza shall be issued by the Board of Supervisors.

(c) **Appeals.** An appeal from the denial of a permit application by the Recreation and Park Department or the Recreation and Park Commission for the use of United Nations Plaza or Hallidie Plaza shall be made to the Board of Supervisors. An appropriate committee of the Board of Supervisors shall consider the appeal before it goes to the full Board, unless there is insufficient time before the date of the proposed event for committee review. If a quorum of the full Board cannot be convened in time to consider the appeal before the date of the proposed event, the procedure to be followed shall be that established in the Park Code or by Commission resolution for the appeal of the denial of a permit application by the Recreation and Park Department when a quorum of the Recreation and Park Commission cannot be convened in a timely manner to consider the appeal. In the event that neither the Code nor a Commission resolution contains such a procedure, the decision of the Recreation and Park Department shall be final.

(d) **Procedures; Restitution.** All procedures and standards, other than procedures for appeal from the denial of a permit application, shall be the same for permits issued by the Recreation and Park Department for the use of United Nations Plaza and Hallidie Plaza as they are for permits issued for the use of park property. If a permittee uses United Nations Plaza or Hallidie Plaza and damages it, or fails to clean up after the permitted event, or otherwise leaves the property in a manner that requires the expenditure of

labor or money to restore the Plaza, the City and County of San Francisco may bill the permittee and otherwise seek any remedy normally sought when the property involved is property under the jurisdiction of the Recreation and Park Commission.

(e) **No Transfer of Jurisdiction.** Nothing in this action shall be construed as evidence of an intent to render United Nations Plaza or Hallidie Plaza "park land" or "park property" as those terms are used in the Charter or to place United Nations Plaza or Hallidie Plaza under the jurisdiction of the Recreation and Park Commission. (Added by Ord. 148-00, File No. 000633, App. 6/30/2000)

SEC. 1.59. TRANSFER OF INSTITUTIONAL POLICE DEPARTMENT.

The Director of the Department of Public Health and the Sheriff are authorized to enter into an interagency agreement to transfer the Institutional Police Department from the Department of Public Health to the Sheriff consistent with the management agreement contained on file with the Clerk of the Board of Supervisors in File No. 021997. The Controller and the Director of the Department of Human Resources are authorized to take all steps necessary to effectuate the transfer authorized by this Section, including, but not limited to, the transfer of funds and personnel. (Added by Ord. 45-03, File No. 021997, App. 4/3/2003)

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CHAPTER 2: BOARD OF SUPERVISORS

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SEC. 2.1. "BOARD" DEFINED.

"Board," as used in this Chapter, shall mean the Board of Supervisors of the City and County. (Ord. No. 6071 (1939), Sec. 1)

SEC. 2.1-1. POWERS OF THE BOARD OF SUPERVISORS.

The powers of the City and County, except the powers reserved to the people or delegated to other officials, boards or commissions by the Charter, shall be vested in the Board of Supervisors and shall be exercised as provided in the Charter.

The exercise of all rights and powers of the City and County when not prescribed in the Charter shall be as provided by ordinance or resolution of the Board of Supervisors.

The Supervisors shall determine the maximum number of each class of employment in each of the various departments and offices of the City and County and shall fix rates and schedules of compensation therefor in the manner provided in the Charter.

On the recommendation of the Mayor, the Board of Supervisors may create or abolish departments which are now or may hereafter be placed under the Mayor or under commissions appointed by the Mayor.

The Board of Supervisors may, by ordinance, confer on any officer, board or commission such other and additional powers as the Board may deem advisable.

The Board of Supervisors shall have the powers and duties provided in Charter Section 4.102. (Added by Ord. 277-96, App. 7/3/96; amended by Ord. 132-99, File No.990583, App. 5/28/99)

SEC. 2.2. SUPERVISOR'S OFFICIAL BADGE.

An official badge of metal, being a six-pointed star in design, with a knob at each point thereof, and having the points connected by scroll, and containing in the center an imprint of the seal of the City and County, surrounded with the words "Supervisor San Francisco, Cal.," is hereby approved and adopted.

It shall be unlawful for any person, other than an active member of the Board of Supervisors, to wear or exhibit the badge approved and adopted by this Section for the purpose of misrepresenting a membership upon the Board of Supervisors, which offense shall be punishable upon conviction thereof by a fine of not exceeding \$50 or imprisonment for a period of 30 days in the County jail, or by both such fine and imprisonment. (Ord. No. 3007 (N.S.), Secs. 1, 2)

SEC. 2.5. RESOLUTION DETERMINING POLICY BEFORE STATE PUBLIC UTILITIES COMMISSION; RATE EXPERT TO BE INFORMED.

The Board of Supervisors shall, by resolution, in every case in which the City and County is concerned, determine the policy to be pursued before the State of

California Public Utilities Commission; and the Board of Supervisors shall immediately thereafter inform the rate expert of the City Attorney's office with respect to its desires. No action shall be taken without such resolution (Res. No. 8150 (1939))

SEC. 2.6-1. POLICY RELATIVE TO APPROVAL OF LEASE AND CONCESSION AGREEMENTS.

Whenever in accordance with the provisions of the Charter, any officer, board or commission of the City and County submits a proposed lease or agreement for concession privileges to be operated in or upon any property or facility of the City and County to the Board of Supervisors for its approval or disapproval, except where the Board of Supervisors finds that the bidding procedures or insurance requirements are impractical or impossible, it shall be the policy of said board (1) to approve only such proposals as have been awarded to the highest responsible bidder in accordance with competitive bidding procedures, and (2) to approve only such leases as require the lessee to provide appropriate insurance naming the City as an additional insured in a form and amount approved by the Office of Risk Management. (Amended by Ord. 479-81, App. 9/21/81; amended by Ord. 132-99, File No.990583, App. 5/28/99)

SEC. 2.6-2. PROVISION FOR INTERPRETING SERVICES.

It is the policy of the Board of Supervisors that interpreting services shall be provided at all meetings of the Board of Supervisors and of its Committees as needed.

The Clerk of the Board is hereby directed to include funding for interpreting services in developing the budget of the Board of Supervisors for future fiscal years. (Added by Ord. 352-84, App. 8/8/84; amended by Ord. 132-99, File No.990583, App. 5/28/99)

SEC. 2.6-3. LEGISLATION—FISCAL IMPACT.

Whenever any ordinance or resolution is introduced, the Clerk of the Board of Supervisors shall refer the ordinance or resolution to the Budget Analyst of the Board of Supervisors to review and to

determine and inform the Board of Supervisors whether the legislation would have a fiscal impact. This Section shall not apply to the following types of legislation: Ballot measures and ballot arguments; Charter amendments; employee memoranda of understanding; salary standardization ordinances; interim zoning controls; landmark issues; land use issues; litigation settlements. The Budget Analyst, within three days of the receipt of the introduced legislation, shall determine whether the legislation would have fiscal impact, and shall notify the Clerk of the Board if the legislation has a fiscal impact. The Clerk shall identify in the Board's file, and on all Board and committee calendars, which items have fiscal impact, as determined by this Section.

"Fiscal impact" is defined for the purposes of this Section to be an expenditure or commitment of City funds in any fiscal year in excess of \$200,000, or a total expenditure or commitment of City funds in excess of \$1,000,000 over a five-year period.

For the purposes of this Section, "fiscal impact" shall include, but not be limited to, any of the following which result in a fiscal impact in excess of \$200,000 in any fiscal year or in excess of \$1,000,000 over a five-year period.

(1) Appropriation of funds or release of reserved funds;

(2) Increased or substantial expenditure of funds by: (a) imposing new responsibilities on the City or (b) imposing new or additional duties on a City department, agency, board, person or business having a contract with the City, or commission or (c) expanding any City program, function or responsibility;

(3) Substantial loss of revenue to the City's General Fund or any special fund created by ordinance or Charter;

(4) Substantial reduction of expenditures of City money by reducing, transferring, or eliminating any existing services or functions of any City department.

The sponsor or sponsors of legislation having a fiscal impact as determined under the provisions of this Section shall make every effort to identify the funding source for the proposed legislation.

When legislation has been assigned to a nonfiscal committee of the Board and it has been determined that the legislation has a fiscal impact as defined in

this Section, and the nonfiscal committee wishes the legislation to be further considered by the Board of Supervisors, then the nonfiscal committee shall refer, and the Clerk of the Board shall schedule, the legislation for review and consideration by the fiscal committee of the Board of Supervisors, which shall then consider and act upon the legislation consistent with the rules and regulations governing the consideration and processing of legislation by the Board and its committees.

The Budget Analyst's analysis and report on the cost of the legislation will be submitted to the Board of Supervisors prior to the legislation being heard by the fiscal committee.

Legislation which has been initially determined not to have a fiscal impact and which is substantively amended in a committee other than the fiscal committee shall be referred to the Budget Analyst to determine whether the amendments result in the legislation having a fiscal impact. Amended legislation determined to have a fiscal impact shall be referred to, and scheduled by the Clerk of the Board before, the fiscal committee of the Board of Supervisors.

Legislation prepared in and reported out to the Board by a nonfiscal committee shall be governed by this Section. Such prepared in and reported out legislation shall be reviewed by the Budget Analyst to determine whether the legislation has a fiscal impact, and if so, such legislation shall be referred to, and the Clerk of the Board shall schedule before, the fiscal committee of the Board, consistent with the provisions of this Section.

When the Budget Analyst determines that legislation would have a fiscal impact as defined in this Section, then the legislation shall not be calendared by the Clerk of the Board of Supervisors for consideration by the full Board of Supervisors until after the legislation has been forwarded to the full Board by all Committees of the Board asked, or required, to review the legislation.

Whenever required by this ordinance to schedule legislation for review and consideration by the fiscal committee, the Clerk shall schedule the legislation for said hearing not more than 30 days after the nonfiscal committee has determined that the legislation is to be further considered by the Board.

If the fiscal committee fails to conduct a hearing on the legislation within 30 days after the nonfiscal committee has determined that the legislation is to be further considered by the Board, the Clerk shall place the legislation on the calendar of the Board for the next regularly scheduled meeting of the Board subsequent to the expiration of the 30-day period. (Added by Ord. 272-91, App. 7/2/91; amended by Ord. 243-97, App. 6/13/97)

SEC. 2.6-4. DISCLOSURE OF FELONY CONVICTIONS.

Any person applying to the Board of Supervisors for appointment to a board, commission, committee, task force, or other body, shall submit, in addition to any other information required as part of the application process, a written statement under penalty of perjury disclosing any felony convictions.

These requirements shall not apply to mayoral nominations to boards and commissions submitted to the Board of Supervisors pursuant to Charter Section 3.100(16). (Added by Ord. 213-00, File No. 001103, App. 9/8/2000)

SEC. 2.7. SUPERVISORIAL NOMINATIONS TO BOARDS AND COMMISSIONS.

Notwithstanding any provision to the contrary in any City ordinance, except where the Charter or pre-emptive state or federal law requires otherwise, whenever a City ordinance establishing a board, commission or similar body allows an individual supervisor to nominate or appoint a person for service on the body, whether or not subject to approval by the Board, that person shall be qualified for service once the supervisor has submitted a written nomination accompanied by an application completed by the nominee to the clerk of the Rules Committee. Upon receipt of the written nomination and the application, the clerk of the Rules Committee shall issue a letter of qualification for service to the nominee, memorializing the nominee's appointment and specifying the term during which the appointee shall serve. The appointment shall become effective at the commencement of the day immediately following the date of the clerk's letter. (Added by Ord. 41-00, File No. 000111, App. 3/24/2000)

ARTICLE II: MEETINGS OF THE BOARD OF SUPERVISORS

- Sec. 2.8. Special Meetings.
- Sec. 2.10. Public Hearings—Reports
Submitted by the Civil Grand Jury.

SEC. 2.8. SPECIAL MEETINGS.

A special meeting of the Board of Supervisors may be called at any time by the President of said Board, or by a majority of the members of said Board, by delivering personally or by mail written notice to each member of said Board and to each local newspaper of general circulation, radio or television station requesting notice in writing.

Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Board of Supervisors.

Such written notice may be dispensed with as to any member who, at or prior to the time the meeting convenes, files with the Clerk of the Board of Supervisors a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

A special meeting of any standing or special committee of the Board of Supervisors may be called at any time by the presiding officer of the committee or by a majority of the members of the committee, in accordance with the provisions of this Section applicable to special meetings of the Board of Supervisors, except that notices of said committee meetings shall be directed to each member of the committee rather than to each member of the Board of Supervisors. (Amended by Ord. 4-71, App. 1/4/71)

a final report of findings and recommendations that is submitted by the civil grand jury to the Board of Supervisors. The Clerk of the Board of Supervisors shall notify the current foreman of the civil grand jury and the immediate past foreman of the civil grand jury of any such hearing that is scheduled by the Board of Supervisors.

(b) The Controller shall report to the Board of Supervisors on the implementation of recommendations that pertain to fiscal matters that were considered at a public hearing. The report by the Controller shall be submitted no later than one year following the date of the public hearing. (Added by Ord. 205-95, App. 6/16/95)

SEC. 2.10. PUBLIC HEARINGS—REPORTS SUBMITTED BY THE CIVIL GRAND JURY.

(a) A public hearing by a committee of the Board of Supervisors shall be conducted to consider

ARTICLE III: BOARD APPROVAL FOR CONTRACTING OUT PERSONAL SERVICES

- Sec. 2.15. Supplemental Reports Required.
- Sec. 2.16. Controller's Annual Report on Contracting Out.
- Sec. 2.17. Deadline for Departmental Submission of Requests for Contracting Out.

SEC. 2.15. SUPPLEMENTAL REPORTS REQUIRED.

Any officer, department, or agency seeking Board approval of a contract for personal services under Charter Section 10.104(15) shall submit a supplemental report to the Board of Supervisors in connection with the contract and the Controller's certification.

The report shall summarize the essential terms of the proposed contract and address the following subjects:

1. The department's basis for proposing the Prop J certification;
2. The impact, if any, the contract will have on the provision of services covered by the contract, including a comparison of specific levels of service, in measurable units where applicable, between the current level of service and those proposed under the contract. For contract renewals, a comparison shall be provided between the level of service in the most recent year the service was provided by City employees and the most recent year the service was provided by the contractor;
3. The department's proposed or, for contract renewals, current oversight and reporting requirements for the services covered by the contract;
4. The contractor's proposed or, for contract renewals, current wages and benefits for employees covered under the contract, and the contractor's current labor agreements for employees providing the services covered by the contract;

5. The department's proposed or, for contract renewals, current procedures for ensuring the contractor's ongoing compliance with all applicable contracting requirements, including Administrative Code Chapter 12P (the Minimum Compensation Ordinance), Chapter 12Q (the Health Care Accountability Ordinance); and Section 12B.1(b) (the Equal Benefits Ordinance);

6. The department's plan for City employees displaced by the contract; and,

7. A discussion, including timelines and cost estimates, of under what conditions the service could be provided in the future using City employees. (Added by Ord. 105-04, File No. 040594, App. 6/10/2004)

SEC. 2.16. CONTROLLER'S ANNUAL REPORT ON CONTRACTING OUT.

The Controller shall prepare a report to the Board of Supervisors by May 15 of each year discussing the numbers and types of contracts that have been approved for the prior year under Charter Section 10.104(15), how long each affected service has been contracted out, the cost savings as realized for each contract compared to the cost savings as projected at the time of certification, and how many new contracts have been submitted for certification as of the date of preparation of the report. (Added by Ord. 105-04, File No. 040594, App. 6/10/2004)

SEC. 2.17. DEADLINE FOR DEPARTMENTAL SUBMISSION OF REQUESTS FOR CONTRACTING OUT.

Any officer, department or agency seeking approval of a contract for personal services under Charter section 10.104(15) shall submit their request to the Controller along with their annual budget submissions. No later than June 1 the department

shall introduce at the Board of Supervisors any resolutions concurring with the Controller's certification under Charter section 10.104(15) upon which the department wishes to act. (Added by Ord. 105-04, File No. 040594, App. 6/10/2004)

ARTICLE IV: BOARD RESPONSE TO WATCH LAW REQUEST

Sec. 2.20. Designation of Watch Laws; Board of Supervisors to Respond on Behalf of City Departments.

SEC. 2.20. DESIGNATION OF WATCH LAWS; BOARD OF SUPERVISORS TO RESPOND ON BEHALF OF CITY DEPARTMENTS.

(a) **Designation of Watch Laws; Watch Law Orders.** Under Charter Section 16.124, the Board of Supervisors may, by resolution, designate as a "watch law" any state or federal law or regulation that calls for, authorizes, or requires the production by any City officer, employee, agency, department or office of information, records, or other tangible things held by the City, where disclosure could violate the rights of any individuals under the State or Federal Constitutions. An order or request for the production of information, records or other tangible things held by the City made pursuant to a watch law designated under this subsection shall be referred to as a "watch law order."

(b) **Board of Supervisors to Respond on Behalf of City Departments.** The Board of Supervisors shall respond on behalf of the City and County of San Francisco to all watch law orders served on the City and County. No officer, employee, agency, department, or office of the City and County shall respond to a watch law order without the prior approval by resolution of the Board of Supervisors.

(c) **Duties of City Officers, Employees, and Departments.** Any officer, employee, agency, department, or office of the City and County receiving a watch law order shall within 24 hours transmit the order to the Clerk of the Board of Supervisors, along with a specific description of the type, nature, and extent of any information, records or other tangible things held by the officer, employee, agency, department, or office which are responsive to the

order. The information, records or other tangible things themselves shall not be sent to the Board of Supervisors unless and until specifically requested by the Board.

(d) **Consideration by the Board of Supervisors.** The Board of Supervisors shall consult with the City Attorney in determining whether the production sought by a watch law order would violate the constitutional rights of any individuals and in deciding on an appropriate response to the order. The records, proceedings, and decisions of the Board of Supervisors in connection with a watch law order shall be kept confidential where required by state or federal law. To the extent federal or state law would prohibit public disclosure of information that the Board of Supervisors needs to discuss in order to discharge its powers under this Section, the Board may meet in closed session for the limited purpose of discussing that information. Unless prohibited by federal or state law, the Board shall take all actions to approve or deny a watch law order in public.

(e) **Procedure.** Upon receipt of a watch law order, the Clerk of the Board of Supervisors shall immediately deliver a copy of the order to the chair of the Rules Committee. The Clerk shall at the same time also deliver a copy of the order to the deputy city attorney designated by the City Attorney for these purposes.

The Clerk shall prepare an item consisting of a resolution complying with the order and a resolution rejecting, in whole or in part, the order. The item shall be deemed introduced by the President of the Board as of the date the order is received by the Clerk.

The Clerk shall place the item on the agenda for the next Rules Committee meeting. If the order contains a deadline for compliance that would occur prior to the next regularly-scheduled Rules Committee meeting, the chair of the Rules Committee shall schedule a special meeting of the committee sufficient

to meet the deadline. If the Rules Committee cannot meet in time to meet the deadline for response, the President of the Board may refer the item to another committee.

(f) **Annual Report.** The Clerk of the Board of Supervisors shall prepare an annual report on all watch law orders received by the Board during the prior fiscal year. The report shall identify: the information, records, or other tangible things sought in each such order; the law under which the order was made; the officer, employee, agency, department, or office of the City and County to whom the order was initially directed; and, the action taken by the Board of Supervisors in response to the order. The report shall be kept confidential to the extent required by state or federal law.

(g) **Responsibilities of the Clerk of the Board.** Any reference to the Clerk of the Board of Supervisors in this ordinance shall include the Clerk's designee. Notwithstanding the provisions of this section, the individual officers, departments, and agencies of the City shall continue to be responsible for maintaining their own records in compliance with all applicable public records and records retention laws. The Clerk of the Board's responsibilities shall be limited to carrying out the procedures specified in this section, based upon the information and responses provided by individual officers, departments, and agencies. (Added by Ord. 51-05, File No. 041138, App. 4/1/2005)

ARTICLE V: [RESERVED]

ARTICLE VI: PUBLIC UTILITY RATES; PROCEDURE

- Sec. 2.25. Information to be Furnished Board by Public Utilities Commission—Generally.
- Sec. 2.26. Information to be Furnished Board by Public Utilities Commission—Regular Introduction of Proposal.
- Sec. 2.27. Fixing Dates for Consideration.
- Sec. 2.28. Board's Finding Prior to Approval or Rejection.
- Sec. 2.29. Approval or Rejection.

SEC. 2.25. INFORMATION TO BE FURNISHED BOARD BY PUBLIC UTILITIES COMMISSION—GENERALLY.

Whenever in accordance with the provisions of the Charter, the Public Utilities Commission of the City and County shall submit to the Board of Supervisors a proposal to fix, change or adjust rates, charges or fares for the furnishing of service by any utility under its jurisdiction, the Public Utilities Commission shall submit in support thereof all of the data upon which the proposal is based and a report of the anticipated effect of the proposal upon the budget of the affected utility for the then current and ensuing fiscal year, together with all the data supporting such conclusions, and a statement of the anticipated tax subsidy, if any, for such years (Ord. No. 7384 (1939), Sec 1)

SEC. 2.26. INFORMATION TO BE FURNISHED BOARD BY PUBLIC UTILITIES COMMISSION—REGULAR INTRODUCTION OF PROPOSAL.

The proposal, upon transmission to the Board of Supervisors by the Public Utilities Commission as provided by the preceding section, shall be deemed to have been regularly introduced. (Ord. No. 7384 (1939), Sec. 2)

SEC. 2.27. FIXING DATES FOR CONSIDERATION.

Upon submission to the Board of Supervisors of the proposal, as provided by the two preceding sections, the President of the Board of Supervisors shall refer the proposal to committee. That committee shall hold a public hearing and report back to the Board of Supervisors. That committee shall give priority to such proposal over all other matters pending before the committee. In the event that the committee fails to act within 15 days of referral, the proposal will be referred back to the Board of Supervisors for consideration. At the time such proposal is referred to committee the President of the Board of Supervisors shall set the dates for consideration and approval or rejection of the proposal, and in the case of a municipal railway proposal for approval, amendment or rejection of the proposal by the Board of Supervisors, with due regard to time limitations provided by the Charter within which the Board of Supervisors has the power to act on such proposal. (Amended by Ord. 49-83, App. 2/4/83)

SEC. 2.28. BOARD'S FINDING PRIOR TO APPROVAL OR REJECTION.

Prior to approval or rejection of a proposal relative to public utility rates, the Board of Supervisors by a majority vote of its members shall adopt a resolution, which shall not be subject to approval or disapproval by the Mayor, making a finding based on the data submitted, whether or not the proposal to fix, change or adjust rates, charges or fares has been so fixed that the revenue therefrom shall be sufficient to pay, for at least the balance of the current fiscal year and all of the succeeding fiscal year, all expenses of every kind and nature incident to the operation and maintenance of the affected utility, together with the interest and sinking fund charges for

any bonds issued for the acquisition, construction or extension of such affected utility. (Ord. No. 7384 (1939), Sec. 4)

SEC. 2.29. APPROVAL OR REJECTION.

Following the findings, as provided in the preceding section, the Board of Supervisors shall approve or reject the proposal; provided, however, that failure to approve or reject the proposal within 30 days from and after the date of its introduction shall constitute approval thereof, except in the instance where it is incumbent upon the Board of Supervisors to provide by tax levy for any additional amount necessary to meet the deficit for the next ensuing fiscal year for the operation of such utility. (Ord. No. 7384 (1939), Sec. 5)

**ARTICLE VII: BONDED INDEBTEDNESS FOR
PUBLIC IMPROVEMENTS; PROCEDURE**

- Sec. 2.30. Proposal Submitted to Voters Pursuant to State Law and Charter.
- Sec. 2.30-1. Proposal to be Submitted to the Capital Improvement Advisory Committee; Report Therefrom.
- Sec. 2.31. Proposal to be in Form of Resolution; Drafting, Contents, Introduction to Board and Referral to Committee.
- Sec. 2.33. Referral of Resolution to Controller; Statement to Voters.
- Sec. 2.34. Time of Adoption of Resolution Before Election; Time of Passage of Ordinance Ordering Election.
- Sec. 2.35. Inapplicability of Article to Proposals by Initiative Petition.
- Sec. 2.60. Limitations on Bonded Indebtedness.
- Sec. 2.62. Airport Revenue Bonds.

SEC. 2.30. PROPOSAL SUBMITTED TO VOTERS PURSUANT TO STATE LAW AND CHARTER.

Any proposal for the incurrence of indebtedness of the City and County for public improvements, payable from the proceeds of taxes levied upon property in the City and County, which is submitted to the qualified voters of the City and County by the Board of Supervisors, shall be submitted in accordance with the applicable provisions of the general laws of the State and the Charter of the City and County, subject only to the limitations imposed by this Article. (Ord No. 567-58, Sec 1; amended by Ord. 133-99, File No. 990584, App. 5/28/99)

SEC. 2.30-1. PROPOSAL TO BE SUBMITTED TO THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE; REPORT THEREFROM.

Any department of the City seeking to incur general obligation indebtedness on behalf of the City shall submit a proposal meeting the requirements of Section 3.22 of this Code to the Capital Improvement Advisory Committee ("CIAC") not less than 188 days before the election at which such proposal is to be acted upon by the voters. The Board shall not place any proposal on the ballot until the CIAC has completed its review of the proposal and submitted its recommendation to the Board in accordance with Sections 3.21 and 3.22 of this Code. (Added by Ord. 112-87, App. 4/24/87; amended by Ord. 495-88, App. 11/15/88; Ord. 133-99, File No. 990584, App. 5/28/99)

SEC. 2.31. PROPOSAL TO BE IN FORM OF RESOLUTION; DRAFTING, CONTENTS, INTRODUCTION TO BOARD AND REFERRAL TO COMMITTEE.

The proposal provided for by Section 2.30 of this Code must be introduced by the Mayor or by a member of the Board of Supervisors at a regular meeting of the Board in the form of a resolution determining that the public interest or necessity demands the acquisition, construction or completion of any municipal improvement.

Such resolution must be so introduced not less than 168 days before the election at which such proposal is to be acted upon by the voters. Upon introduction, such resolution shall be referred to a committee of the Board of Supervisors. (Amended by Ord. 16-74, App. 1/4/74; Ord. 133-99, File No. 990584, App. 5/28/99; Ord. 255-03, File No. 031457, App. 11/7/2003)

SEC. 2.33. REFERRAL OF RESOLUTION TO CONTROLLER; STATEMENT TO VOTERS.

Immediately after introduction of the resolution by the Board of Supervisors as provided by Section 2.31 of this Code, the Clerk of the Board shall deliver a copy thereof to the Controller, who shall make a written statement thereon to the Board, analyzing the proposition as to its cost and effect, pursuant to the provisions of Section 3.105 of the Charter. The Controller's statement of the effect on the tax rate of a proposition to create a "bonded" debt required to be mailed to the voters by the provisions of Section 3.105 of the Charter shall include a statement of the dollar amount such effect on the tax rate would cost the owners of real property with a representative value or values. The Director of Elections is authorized and directed to include this statement as part of the Controller's statement mailed to the voters pursuant to the provisions of Section 3.105 of the Charter. The committee to which any such resolution is referred shall not report it to the Board, and the Board shall not adopt such resolution, prior to receipt of such statement. (Amended by Ord. 280-61, App. 10/27/61; Ord. 112-87, App. 4/24/87; Ord. 133-99, File No. 990584, App. 5/28/99)

SEC. 2.34. TIME OF ADOPTION OF RESOLUTION BEFORE ELECTION; TIME OF PASSAGE OF ORDINANCE ORDERING ELECTION.

The resolution provided for by Section 2.31 of this Code shall be adopted by the Board of Supervisors not less than 141 days before the election at which such proposal is to be submitted to by the voters. At any meeting of the Board subsequent to that at which the resolution is adopted, but not less than 99 days before such election, the Board may finally pass an ordinance ordering the submission of such proposal to the qualified voters of the City and County at an election held for that purpose. The time limits as herein set forth may be waived by resolution of the Board of Supervisors. (Amended by Ord. 16-74, App. 1/4/74; Ord. 112-87, App. 4/24/87; Ord. 133-99, File No. 990584, App. 5/28/99)

SEC. 2.35. INAPPLICABILITY OF ARTICLE TO PROPOSALS BY INITIATIVE PETITION.

The provisions of Sections 2.30 to 2.34 shall not apply to bond issues proposed by initiative petition. (Amended by Ord. 193-71, App. 7/23/71)

SEC. 2.60. LIMITATIONS ON BONDED INDEBTEDNESS.

(a) No bonded indebtedness shall be incurred by the City and County which together with the amount of bonded indebtedness outstanding shall exceed three percent of the assessed value of all real and personal property in the City and County subject to taxation for City and County purposes. Bonded indebtedness heretofore or hereafter created for water supply, storage or distribution purposes, sewers and sewerage collection, disposal and treatment, water pollution control, and the acquisition, construction or completion of air transportation facilities and bonded indebtedness created pursuant to Charter Sections 9.107(4), 9.107(5) and 9.107(7) shall be exclusive of the limitation on the amount of bonded indebtedness of the City and County contained in this Section; provided, however, that any bonded indebtedness for sewers and sewerage collection, disposal and treatment, and for water pollution control, must be financed by sewerage service charges for the foregoing exclusion to be applicable.

(b) Any and all indebtedness assumed for the purpose of accepting the transfer and assuming jurisdiction and control of the harbor of San Francisco and the facilities thereof, in accordance with the terms and conditions of Statutes 1968, Ch. 1333, shall not be included in the bond debt limit provided for in Subsection (a); and, if thereafter any additional bonded indebtedness is incurred to improve said harbor in connection with the operation thereof, said bonded indebtedness so incurred shall also be exempt from the limitations contained in Subsection (a).

(c) A bonded indebtedness for the construction, completion or acquisition of foreign trade zones and the acquisition of necessary lands, buildings and equipment authorized by the electors in accordance with the provisions of the Charter shall be exclusive of the bonded indebtedness of the City and County limited by the Charter.

(d) Revenue to meet current annual interest and redemption or sinking fund for outstanding general obligation bonds issued for the acquisition, construction or any extension of any utility under the jurisdiction of the Public Utilities Commission, shall always be provided out of the tax levy. (Added by Ord. 439-96, App. 11/8/96; amended by Ord. 133-99, File No. 990584, App. 5/28/99)

SEC. 2.62. AIRPORT REVENUE BONDS.

(a) Subject to the approval, amendment or rejection of the Board of Supervisors in each instance, the Airport Commission shall have authority to issue airport revenue bonds for the purpose of acquiring, constructing, improving or developing airports or airports facilities under its jurisdiction under such terms and conditions as the Commission may authorize by appropriate resolution. Such revenue bonds shall be issued in accordance with the Revenue Bond Law of 1941 as it now reads or may hereafter be amended. The provisions of Sections 54380 through 54387, inclusive, of the Government Code shall not apply to the issuance and sale of such revenue bonds.

(b) Revenue bonds issued pursuant to this Section shall bear a rate of interest not to exceed that which may be fixed and prescribed by the Airport Commission subject to the approval or rejection of the Board of Supervisors without regard to the limitations contained in the Revenue Bond Law of 1941. The bonds issued by the Commission pursuant to the provisions of this Section shall not constitute or evidence indebtedness of the City and County but shall constitute and evidence only indebtedness of the said Commission payable solely out of revenues received by the Commission from airports or airport facilities operated or controlled by it.

(c) Airport revenue bonds issued for such purposes pursuant to this Section shall not be included in the bonded debt limit provided for in Section 2.60 of this Code. Nothing in this Section shall prevent the City and County from issuing general obligation bonds for the purpose of acquiring, constructing, improving or developing airports or airport facilities under the Commission's jurisdiction, subject to the bond issue procedure provided for in the Charter. (Added by Ord. 439-96, App. 11/8/96)

ARTICLE VIII: GENERAL OBLIGATION BOND ACCOUNTABILITY REPORTS

- Sec. 2.70. Definitions.
- Sec. 2.71. Conditions for Submission of Bond Accountability Report.
- Sec. 2.72. Contents of Bond Accountability Report.
- Sec. 2.73. Validity of the Bonds.
- Sec. 2.74. Construction.

SEC. 2.70. DEFINITIONS.

For the purposes of this Article, the following terms shall have the meanings given below:

(a) The term "accountability report" shall mean any report pertaining to the expenditure of general obligation bond proceeds required by this Article.

(b) The term "authorized officer" shall mean the director of the governmental entity for which bonds were issued.

(c) The term "Board" shall mean the Board of Supervisors of the City.

(d) The term "bonds" shall mean general obligation bonds.

(e) The term "bond proceeds" shall be determined in accordance with the legislation authorizing the sale and issuance of particular general obligation bonds.

(f) The term "Budget Analyst" shall mean the budget analyst for the Board or any successor to that position.

(g) The term "Charter" shall mean the Charter of the City.

(h) The term "City" shall mean the City and County of San Francisco.

(i) The term "Clerk" shall mean the Clerk of the Board of Supervisors of the City.

(j) The term "Controller" shall mean the Controller of the City.

(k) The term "Director of Public Finance" shall mean the Director of the Mayor's Office of Public Finance or any successor to that position.

(l) The term "expended" shall mean an actual current outlay of cash for the project or the appropriation of bond proceeds or contractual encumbrances of bond proceeds.

(m) The term "governmental entity" shall mean any department of the City, public district, corporation, public agency or public authority on whose behalf bonds have been issued by the City.

(n) The term "project" shall mean the objects and purposes specified in the general obligation bond proposition pursuant to which the bonds were issued.

(o) The term "project line item" shall mean any portion of the project identified by line item in any accountability report or proposed expenditure report.

(p) The term "proposed expenditure report" shall mean any estimate or projection for the expenditure of bond proceeds prepared by a governmental entity prior to the issuance of the bonds and/or the appropriation of bond proceeds.

(q) The term "Treasurer" shall mean the Treasurer of the City. (Added by Ord. 23-00, File No. 992155, App. 2/18/2000; amended by Ord. 48-02, File No. 020407, App. 4/19/2002)

SEC. 2.71. CONDITIONS FOR SUBMISSION OF BOND ACCOUNTABILITY REPORT.

(a) Each governmental entity which requests the appropriation of bond proceeds by the Board shall submit a report in the form required by Section 2.72 to the Clerk of the Board, the Controller, the Treasurer, the Director of Public Finance and the Budget Analyst sixty (60) days prior to the date of any such appropriation and within sixty (60) days after the date of all such appropriated bond proceeds have been expended. Multiple appropriations may be combined into a single accountability report.

(b) If any bonds authorized for a project have been issued, the governmental entity to which such bond proceeds were appropriated shall submit a report

in the form required by Section 2.72 to the Clerk of the Board, the Controller, the Treasurer, the Director of Public Finance and the Budget Analyst sixty (60) days prior to approval by the Board of the sale of any subsequent series of bonds for the same project. Any report filed pursuant to this paragraph (b) shall be in addition to the reports required pursuant to paragraph (a).

(c) The Budget Analyst shall, upon receipt of an accountability report, prepare and submit to the Clerk of the Board an analysis of said accountability report detailing whether or not the bond proceeds (i) in the case of an accountability report submitted prior to the issuance of the first series of bonds, can be expended in accordance with the appropriation or (ii) in the case of an accountability report for any bonds which meet the requirements of paragraph (b) above, were expended in accordance with the appropriation.

(d) Any accountability report shall be subject to the reallocation provisions of federal tax law relating to the bonds.

(e) The Board may waive the requirement for any accountability report by resolution. (Added by Ord. 23-00, File No. 992155, App. 2/18/2000; amended by Ord. 48-02, File No. 020407, App. 4/19/2002)

SEC. 2.72. CONTENTS OF BOND ACCOUNTABILITY REPORT.

Each report required to be submitted pursuant to this Article shall contain the following information:

(a) A certification from an authorized officer of the governmental entity that the information contained in the accountability report is true and correct.

(b) The cumulative amount of bond proceeds expended on the project and the cumulative amount of bond proceeds available for the project.

(c) A brief description of each project line item for which bond proceeds have been expended. Project line items shall be described in the same manner as in any proposed expenditure report or, if no proposed expenditure report was made, in as much detail as practicable.

(d) The amount of bond proceeds expended on each project line item. If applicable, such report shall also include an estimate of the amount of bond

proceeds remaining to be spent on each project line item.

(e) Identification of completed and uncompleted project line items.

(f) The status of each uncompleted project line item.

(g) Identification of any project line item not included in a proposed expenditure report.

(h) Identification of any project line item included in a proposed expenditure report for which bond proceeds will not be used.

(i) Certification that each project identified is in conformity with the voter authorization.

(j) An explanation for project line items identified in paragraphs (f) and (g). (Added by Ord. 23-00, File No. 992155, App. 2/18/2000; amended by Ord. 48-02, File No. 020407, App. 4/19/2002)

SEC. 2.73. VALIDITY OF THE BONDS.

The validity of the authorization and issuance of any bonds is not dependent on and shall not be affected in any way by any failure by the City to require, or any failure by a governmental entity to file, any accountability report required by this Article. (Added by Ord. 23-00, File No. 992155, App. 2/18/2000)

SEC. 2.74. CONSTRUCTION.

The powers conferred by the provisions of this Article are in addition to and supplemental to the powers conferred by the Charter or any other ordinance or law. (Added by Ord. 23-00, File No. 992155, App. 2/18/2000)

ARTICLE IX: OFFICIAL NEWSPAPER(S)

- Sec. 2.80. Findings.
- Sec. 2.80-1. Definitions.
- Sec. 2.81. Official Newspaper(s)—Designation.
- Sec. 2.81-1. Use of Official Newspapers.
- Sec. 2.81-2. Outreach Fund.
- Sec. 2.81-3. Outreach Periodicals—Designation.
- Sec. 2.81-4. Neighborhood Outreach.

SEC. 2.80. FINDINGS.

The people of San Francisco find and declare that the City and County has a responsibility to inform its citizenry about the goings on of local government. To best accomplish this, the City and County should utilize locally published newspapers to reach the general public, including the many separate and diverse communities which make up the population of the City and County.

Under this Article, the City and County wishes to exercise its power in deeming official newspaper(s) to maximize the citizenry's access to public notices which are required to be published by law. In addition, the City and County wishes to implement an aggressive outreach plan to meet the public information needs of those communities and neighborhoods which may not be adequately served by the official newspaper(s). (Added by Proposition J, 11/8/94)

SEC. 2.80-1. DEFINITIONS.

As used in this Article, the following words and phrases shall have the meanings indicated herein:

(a) "Official Newspaper." Pursuant to the provisions of Section 10.100(f) of the Charter, the official newspaper or newspapers of the City and County is hereby defined as a newspaper of general circulation published for the dissemination of local or telegraphic news and intelligence of general character,

which has a bona fide circulation of at least 50,000 copies per calendar week and which is printed in the City and County on three or more days in a calendar week.

(b) "Outreach Communities" shall reflect the diversity in race and sexual orientation of the population of the City and County. They shall include: (1) the Lesbian/Gay/Bisexual community, (2) the African American community, (3) the Hispanic community, and (4) the Chinese community. The Board of Supervisors may determine different outreach communities from time to time.

(c) "Outreach Periodical" shall mean a periodical which circulates primarily in one of the outreach communities and which is printed in the City and County on one or more days in a calendar week.

(d) "Outreach Advertisement" shall be an advertisement placed in the selected outreach periodicals one time per week. This advertisement shall be no larger than four inches wide by six inches high and shall be prepared by the Clerk of the Board of Supervisors at the direction of the Board. The Clerk shall select and include in each week's advertisement those major items pertaining to governmental operations for that week.

(e) "Joint Venture" shall mean any association or business relationship of two or more businesses which act as a single entity or contractor in submitting a bid proposal or in providing such services to the City and County. (Added by Ord. 250-78, App. 6/1/78; amended by Proposition J, 11/8/94)

SEC. 2.81. OFFICIAL NEWSPAPER(S)—DESIGNATION.

In each year, the Board of Supervisors shall designate the official newspaper or newspapers of the City and County as herein below set forth.

(a) On or before the first day of December in 1994 and each ensuing June thereafter, the Purchaser

shall prepare a notice inviting sealed proposals for: (1) the publication of all official advertising of the City and County which is required by law to be published on two or more consecutive days, and all official advertising of the City and County which is required to be published in accordance with the provisions of Sections 2.200 or 2.201 of the Charter for special meetings of the Board of Supervisors and its standing or special committees; and (2) the publication of all official advertising of the City and County, which is required by law to be published one time, other than the provisions of Sections 2.200 or 2.201 of the Charter as they relate to special meetings of the Board of Supervisors and its standing or special committees; and all official advertising of the City and County which is required by law to be published more than one time, but not more than three times a week for a specified number of weeks. Said notices shall be published once in the appropriate official newspaper of the City and County. At least five days shall intervene between the date of publication and the time for filing such sealed proposals. Each proposal shall be required to include among other things:

(1) Bidder's most recent circulation audit report covering a period of established and verified circulation for at least six months;

(2) A Distribution Declaration from bidder declaring that any individual or business entity within the City and County who requests delivery of the same general newspaper shall receive delivery of the same general newspaper, and in the same timely fashion as every other person;

(3) Each bidder who submits a bid as a joint venture or which is to be performed by a joint venture, must include a copy of a fully executed joint venture agreement. Each joint venture partner individually must meet all of the requirements set forth in the Charter and Administrative Code;

(4) Each bidder must establish that it has met all minimum requirements listed in Paragraphs 2.81(1), 2.81(2), and 2.81(3), above, for at least four full weeks prior to bid opening

(b) The Purchaser shall evaluate each proposal taking into consideration the cost of advertising in each newspaper, the circulation of each newspaper, and the cost of each newspaper to the general public according to the following point system:

(1) Advertising Price. The newspaper which bids the lowest price for advertising shall receive 15 points. Every other newspaper shall receive a proportionate number of points ("Proportional Advertising Price Points"), according to the following formula:

Proportional Advertising Price

$$\text{Points} = 15 \times \frac{\text{Lowest Price Bid}}{\text{Highest Price Bid}}$$

As used in this formula, "Lowest Price Bid" shall be the dollar amount bid by the newspaper submitting the lowest price bid for advertising, "Highest Price Bid" shall mean the dollar amount bid for advertising by the particular other newspaper as to which the point calculation is made

(2) Circulation. The newspaper with the largest circulation shall receive 10 points. Every other newspaper shall receive a proportionate number of points ("Proportional Circulation Points"), according to the following formula

Proportional Circulation

$$\text{Points} = 10 \times \frac{\text{Lowest Circulation}}{\text{Highest Circulation}}$$

As used in this formula, "Lower Circulation" shall mean the circulation of the particular other newspaper as to which the point calculation is made (calculated according to Subsection (b)(3)). "Highest Circulation" shall mean the circulation of the bidding newspaper with the highest circulation (calculated according to Subsection (b)(3)).

(3) Circulation Calculation. For Item 1 bidders, circulation shall be calculated by adding the total number of newspaper copies delivered to homes in the City and County for all days of a one-week period. For Item 2 bidders, circulation shall be calculated by adding the total number of newspaper copies delivered to homes in the City and County for any three days of a one-week period

(4) Newspaper Cost. Any newspaper with a majority of circulation that is free of charge to the general public shall receive an additional five points.

(5) Local/Minority/Woman Ownership. Any bidder whose newspaper is locally owned and

operated shall receive an additional two points. Any bidder whose newspaper has more than 50 percent minority ownership shall receive an additional two points. Any bidder whose newspaper is woman-owned shall receive an additional two points.

(c) The Purchaser shall, not less than 10 days after the date of publication of said notices, report to the Board of Supervisors the point totals of any and all sealed proposals received by him or her, and shall make his or her recommendation(s) to the Board of Supervisors. Thereupon, the Board of Supervisors shall, by resolution, choose and designate a newspaper or newspapers as the official newspaper or newspapers of the City and County for the ensuing fiscal year, and the Purchaser shall let a contract or contracts to said newspaper(s) for said fiscal year. (Amended by Ord. 382-78, App. 8/18/78; Ord. 313-93, App. 10/15/93; Ord. 63-94, App. 2/10/94; Ord. 215-94, App. 6/2/94; amended by Proposition J, 11/8/94)

SEC. 2.81-1. USE OF OFFICIAL NEWSPAPERS.

If the circulation of the official newspaper(s) varies by day or the cost of advertising varies by day, the Purchaser shall direct all City departments to advertise in those editions of the newspaper(s) with the greatest circulation and lowest advertising cost. (Added by Proposition J, 11/8/94)

SEC. 2.81-2. OUTREACH FUND.

(a) Establishment of Fund. Each fiscal year the Purchaser shall establish an outreach fund by withholding 10 percent of all revenue paid to each official newspaper. The Purchaser shall accrue these funds on a monthly basis.

(b) Purpose of Fund. This fund is created for the purpose of placing weekly outreach advertisements in selected outreach periodicals. Outreach advertisements shall be paid for solely by using monies from the outreach fund.

(c) Balance of Monies in Fund. Any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and shall be appropriated then or thereafter for the purposes specified. (Added by Proposition J, 11/8/94)

SEC. 2.81-3. OUTREACH PERIODICALS— DESIGNATION.

In each year, the Board of Supervisors shall

designate the outreach periodical for each outreach community as herein below set forth.

On or before the first day of December in 1994 and each ensuing June thereafter, the Purchaser shall prepare a notice inviting sealed proposals for the purpose of selecting one outreach periodical from each outreach community. The Purchaser shall evaluate each proposal according to the following point system:

(a) Advertising Price. For each outreach community, the periodical which bids the lowest price shall receive 15 points. Every other periodical for that outreach community shall receive a proportional amount of points according to the relation of its price to the price of the lowest bidder.

(b) Circulation. For each outreach community, the periodical with the largest circulation shall receive 10 points. Every other periodical for that outreach community shall receive a proportionate amount of points according to the relation of its circulation to the largest circulation. Circulation shall be calculated by taking the total number of copies distributed in the City and County on any one day during a one-week period.

(c) Periodical Cost. Any periodical with a majority of circulation that is free of charge to the general public shall receive an additional five points.

(d) Local/Minority Ownership. Any bidder whose periodical is locally owned and operated shall receive an additional two points. Any bidder whose periodical has more than 50 percent minority ownership shall receive an additional two points. Any bidder whose periodical is women-owned shall receive an additional two points.

(e) Foreign Language Publications. Periodicals with a majority of its editorial content published in the native language of that outreach community shall receive an additional five points.

The Purchaser shall, not less than 10 days after the date of publication of said notices, report to the Board of Supervisors the point totals of any and all sealed proposals received by him or her, and shall make his or her recommendations to the Board of Supervisors. Thereupon, the Board of Supervisors shall, by resolution, choose and designate periodicals as the outreach periodicals of the City and County for the ensuing fiscal year, and the Purchaser shall let contracts to said periodicals for said fiscal year. (Added by Proposition J, 11/8/94)

SEC. 2.81-4. NEIGHBORHOOD OUTREACH.

If the Board of Supervisors finds that certain neighborhoods are not being adequately served by the official newspaper(s) and the outreach periodicals, the Board may authorize additional advertising in monthly neighborhood publications which target certain neighborhoods in San Francisco. (Added by Proposition J, 11/8/94)

ARTICLE X: PERFORMANCE AND EFFICIENCY AUDIT OFFICE

Sec. 2.92. Efficiency Evaluation—Plan.

SEC. 2.92. EFFICIENCY EVALUATION—PLAN.

(a) The Controller shall establish a Performance and Efficiency Audit Office in the Controller's Office to improve the overall efficiency of City government by identifying inefficient operations and functions of departments, agencies, boards, and commissions of the City and County of San Francisco that should be eliminated. The Controller's Office shall prepare a plan that shall include, but not be limited to, an evaluation of expenditures in terms of the effectiveness of the service or product delivered by City departments and utilization of employees and contractual services, and shall include a review of the following:

(1) Elimination of inefficient operations and functions,

(2) Consolidation of duplicative and overlapping activities and functions,

(3) Integration and standardization of information maintenance systems that promote interdepartmental sharing of information and resources,

(4) Departmental accounting for expenditure of resources in terms of effectiveness of the service or product delivered,

(5) Departmental deployment and utilization of personnel, the City's personnel procurement system, and reforms to enhance the quality of work performance of public employees,

(6) Methods of operation to reduce consumption and waste of resources,

(7) Departmental compliance with judicial, legislative and administrative mandates,

(8) Records available, such as, Grand Jury reports, Budget Analyst audits, previous budgets and appropriations and justifications, and Controller internal audits,

(9) An analysis of cost-cutting recommendations from employees and suggestions from users of governmental services.

(b) The Controller shall report the execution of the plan described herein and the implementation of recommendations resulting from evaluations of City operations by December 31, 1991. The Controller shall establish a schedule for City departments to report annually departmental administrative and operational changes undertaken to implement recommendations to the Board of Supervisors. (Added by Ord. 265-89, App. 7/14/89; amended by Ord. 278-96, App. 7/3/96)

ARTICLE XI: CITY ATTORNEY REPRESENTATION

Sec. 2.95. Potential conflict.

SEC. 2.95. POTENTIAL CONFLICT.

Whenever in the course of the Charter mandated duty of the City Attorney to represent the City and County of San Francisco, or any board, commission, officer or employee thereof, the City Attorney determines that a full and complete representation of the City and County of San Francisco or any board, commission, officer or employee thereof requires an attack upon the validity of any provision of the San Francisco Charter or of any ordinance or resolution of the City and County of San Francisco, the City Attorney shall within five working days of such determination notify the Board of Supervisors in writing of the potential conflict between the City Attorney's duty to uphold the Charter of the City and County of San Francisco or the public enactments of the City and County of San Francisco on the one hand and the City Attorney's duty to provide complete and full representation to the City and County of San Francisco or any board, commission, officer or employee thereof on the other hand. The City Attorney shall make a recommendation for resolving the conflict in the written notification to the Board of Supervisors. (Added by Ord. 7-82, App. 1/8/82)

CHAPTER 2A: EXECUTIVE BRANCH

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ARTICLE I: MAYOR; CITY ADMINISTRATOR; CONTROLLER

- Sec. 2A.10. Emergency Succession to the Mayor.
- Sec. 2A.19. Controller's Reports.
- Sec. 2A.20. Controller's Audits.
- Sec. 2A.22. Department of Administrative Services—Mayor's Office on Disability.
- Sec. 2A.22.1. Mayor's Office on Disability Plan Review and Site Inspection Fees.
- Sec. 2A.25. Office of the City Administrator.

SEC. 2A.10. EMERGENCY SUCCESSION TO THE MAYOR.

In case of a disaster which causes the Mayor to be absent or unavailable and the Supervisors for any reason whatsoever are unable to elect one of their number to act as Mayor or to fill any vacancy that might occur in the office of the Mayor, the following persons shall act as Mayor in the order of succession hereinafter designated: (1) President of the Board of Supervisors, (2) Chairman of the Finance Committee of the Board of Supervisors, and (3) the senior member of the Board of Supervisors, who is that member having the greatest number of years of service as a member of the Board, and in the event that one or more members have equal seniority then by alphabetical order of surname among such members. Said person so designated shall act as Mayor during such period of absence or unavailability of the Mayor until such time as the Supervisors can take appropriate action either to elect an acting Mayor or to fill the vacancy as the case may be. (Added by Ord. 277-96, App. 7/3/96)

SEC. 2A.19. CONTROLLER'S REPORTS.

The Controller shall annually make a complete financial report which shall be audited and distributed as provided in Charter Section 2.115. The Controller shall also make a quarterly report not later than the 25th day of the month succeeding the last preceding quarter, showing a summary statement of revenues and expenditures for the preceding quarter and for that

portion of the fiscal year ending on the last day of such preceding quarter. Such statement shall include all general and funding accounts and shall be detailed as to assets, liabilities, income, expenditures, appropriations and funds, in such manner as to show the financial condition of the City and County and of each department, office, bureau or division thereof, for that portion of the fiscal year to and including the preceding quarter, and with comparative figures for the similar period in the preceding fiscal year. The Controller shall at the same time prepare statements showing at the end of each quarter the cash position of the City and County (and the unencumbered balance in each fund). The Controller shall periodically make such reports as may be necessary to show the actual or projected financial conditions of the City and County and of each department, office, bureau or division thereof. Further provided that the Controller shall prepare such reports for at least the first six- and eight-month periods of each fiscal year. He shall also prepare monthly and transmit to all department heads concerned, reports showing the allowances, expenditures, encumbrances and unencumbered balances of each revenue and expenditure appropriation. A copy of each such report and special fiscal reports as requested, shall be transmitted to the Mayor and the Board of Supervisors, and kept on file in the Controller's office. (Added by Ord. 277-96, App. 7/3/96)

SEC. 2A.20. CONTROLLER'S AUDITS.

The Controller shall audit the accounts of all boards, officers and employees of the City and County charged in any manner with the custody, collection, or disbursement of funds. The Controller shall audit all accounts of money coming into the hands of the Treasurer, the frequency of which shall be governed by State law.

The Controller shall have the authority to audit the operations of all boards, commissions, officers and departments to evaluate their effectiveness and efficiency. The Controller shall have access to, and

authority to examine all documents, records, books and other property of any board, commission, officer or department.

When requested by the Mayor, the Board of Supervisors, or any board or commission for its own department, the Controller shall audit the accounts of any officer or department. (Added by Ord. 277-96, App. 7/3/96)

SEC. 2A.22. DEPARTMENT OF ADMINISTRATIVE SERVICES—MAYOR'S OFFICE ON DISABILITY.

(A) There is hereby created within the Department of Administrative Services a Mayor's Office on Disability. The Mayor's Office on Disability shall assist City departments in making all programs, services, benefits, activities, and facilities owned, operated, or funded by the City and County of San Francisco accessible to and useable by individuals with disabilities, as may be required by the Americans with Disabilities Act (Public Law 101-336) and other disability rights laws and disability access regulations and codes.

(B) The Mayor's Office on Disability may issue policies and procedures with respect to compliance with the Americans with Disabilities Act (Public Law 101-336) and other disability rights laws and disability access regulations and codes. The Mayor's Office on Disability may, at its discretion, consult with City departments on the development of these policies and procedures. Such policies and procedures shall be subject to approval by ordinance of the Board of Supervisors and upon approval shall be binding on all City departments. (Added by Ord. 3-05, File No. 041487, App. 1/8/2005)

SEC. 2A.22.1. MAYOR'S OFFICE ON DISABILITY PLAN REVIEW AND SITE INSPECTION FEES.

Any city administered or funded construction project requiring the Mayor's Office on Disability plan review or site inspection for compliance with Federal disability access laws and regulations shall pay a fee consistent with this section. For the purpose of this section, "plan review" includes reviewing and approving architectural drawings, site plans, and construction plans for compliance with Federal disability access laws and regulations prior to the

commencement of work. For the purpose of this section, "site inspection" includes inspecting and approving all work for compliance with Federal disability access laws and regulations during the construction phase of the project.

(a) **Plan Review and Site Inspection Fees.** At the time the project sponsor submits its architectural drawings, site plans, and construction plans to the Mayor's Office on Disability, the project sponsor shall pay to the Mayor's Office on Disability a fee as set forth below.

Project Size	Fee
\$0 to \$100,000	\$150
\$100,000 to \$1,000,000	.15% (.0015) of the total valuation of the project
\$1,000,001 to \$10,000,000	\$1,600 + .05% (.0005) of the total valuation of the project
\$10,000,001 and up	\$10,000 + .015% (.00015) of the total valuation of the project

For the purposes of this section, "total valuation of the project" shall mean the amount as determined under San Francisco Building Code Section 107.2. The Mayor's Office on Disability shall not be required to review the architectural drawings, site plans, and construction plans or conduct any site inspections until the project sponsor pays the fee established by this section.

(b) **Waiver.** The Director of the Office on Disability may waive the fees received under this section where the project sponsor demonstrates in a written application that payment of such fees would present an undue financial hardship on the project sponsor. (Added by Ord. 190-05, File No. 051002, App. 7/29/2005)

SEC. 2A.25. OFFICE OF THE CITY ADMINISTRATOR.

The Office of the City Administrator shall be a department of the City. The City Administrator shall be appointed and may be removed as provided in the Charter. The department shall include such officers and employees as are authorized pursuant to the budgetary and fiscal provisions of the Charter. (Added by Ord. 204-04, File No. 040754, App. 8/5/2004)

ARTICLE II: DEPARTMENTS

- Sec. 2A.30. Department Heads.
- Sec. 2A.31. Department Responsibility for Workers' Compensation Costs.
- Sec. 2A.32. Persons Designated to Certify as to Oath of Allegiance.
- Sec. 2A.40. Roster of Officers and Employees Serving on Any Board, Commission or Committee.

SEC. 2A.30. DEPARTMENT HEADS.

Each elective officer in charge of an administrative office, the chief executive under a board or commission, the Controller, the City Administrator, and each department head appointed by the Mayor shall have the powers and duties of a department head, except as otherwise specifically provided in the Charter.

Each department head shall be immediately responsible for the administration of his or her department, and shall file an annual report and make such other reports, estimates and recommendations at the time and in the manner required by law, or as required by the Mayor, board or commission.

The department head shall act as the "appointing officer" under the civil service provisions of the Charter for the appointing, disciplining and removal of such officers, assistants and employees as may be authorized. On the written direction of the department head concerned, the head of any utility, institution, bureau or other subdivision of such department may be designated as the "appointing officer" for such utility, institution, bureau or other subdivision. Non-civil service appointments and any temporary appointments in any department or subdivision thereof, and all removals therefrom shall be made by the department head, bureau head or other subdivision head designated as the appointing officer.

The department head shall issue or authorize all requisitions for the purchase of materials, supplies and equipment required by such department, provided that, on the written direction of the department head concerned, the head of any utility, institution, bureau or other subdivision of a department may likewise

be vested with such power. Each department head or the head of a utility, institution, bureau or other subdivision of each department shall be responsible for the proper checking of all materials, supplies and equipment ordered for its purposes, and for the approval or disapproval of bills for claims rendered for such materials, supplies or equipment.

The head of any department, through the Mayor if part of the Executive Branch under the Charter, shall recommend to the Board of Supervisors such ordinances as may be required to carry out the powers vested and the duties imposed, and to establish or readjust fees or charges for permits issued to or work performed for persons, firms or corporations when these are subject to the department's jurisdiction.

Each department head, through the Mayor if part of the Executive Branch under the Charter, may suggest the creation of positions subject to the provisions of the Charter, and may reduce the forces under his or her jurisdiction to conform to the needs of the work for which he or she is responsible. (Added by Ord. 277-96, App. 7/3/96; amended by Ord. 204-04, File No. 040754, App. 8/5/2004)

SEC. 2A.31. DEPARTMENT RESPONSIBILITY FOR WORKERS' COMPENSATION COSTS.

The Board of Supervisors of the City and County of San Francisco hereby declares that all departments shall share responsibility for workers' compensation costs and shall more effectively monitor and manage workers' compensation costs for employees of the City and County of San Francisco. To achieve this purpose, effective January 1, 2001, it shall be required that:

(a) Department heads shall identify and utilize limited or modified duty assignments whenever practical for workers with disabilities;

(b) Department heads shall identify the person or persons with authority and responsibility for monitoring and managing workers' compensation costs and shall assist communications between the workers' compensation claims division and the injured employee;

(c) Operating managers at all levels shall be responsible for monitoring and managing workers' compensation costs and shall receive training for this purpose;

(d) Performance evaluations of individual managers shall include review of their management of workers' compensation claims and costs;

(e) City-wide budgeting and accounting mechanisms shall be established to allocate to each department its equitable share of workers' compensation costs;

(f) Automated data on employee workers' compensation claims shall be produced and made available by the Human Resources Director, the Controller, and all departments, in form and frequency determined by the Workers' Compensation Council to be sufficient to permit effective analysis for department management of workers' compensation costs;

(g) Department heads shall submit a written report each quarter to the Workers' Compensation Council on the status of the department's workers' compensation claims. These reports shall include but not be limited to incidence rates of employee injuries, lost workday incident rates, year-to-year comparisons, utilization by the department of limited or modified duty assignments and disability transfers. (Added by Ord. 357-91, App. 10/2/91; amended by Ord. 18-95, App. 1/25/95; Ord. 103-00, File No. 000534, App. 5/26/2000; Ord. 250-00, File No. 001489, App. 10/27/2000)

SEC. 2A.32. PERSONS DESIGNATED TO CERTIFY AS TO OATH OF ALLEGIANCE.

The chief executive officer of each department of the City and County is hereby designated as the officer in such department who shall ascertain and certify that all officers and employees within such department have taken the oath of affirmation or allegiance required by State law. The General Manager of the Civil Service Commission shall ascertain and certify that each officer so designated has taken such oath or affirmation of allegiance. (Formerly Sec. 18 10; amended by Ord. 161-68, App. 6/26/68; renumbered by Ord. 327-00, File No. 001922, App. 12/28/2000)

SEC. 2A.40. ROSTER OF OFFICERS AND EMPLOYEES SERVING ON ANY BOARD, COMMISSION OR COMMITTEE.

The Mayor shall prepare and maintain on a current basis a roster of officers and employees of the City and County appointed, elected or designated to serve on any board, commission or committee pursuant to Federal or State law or ordinance, resolution, joint exercise of powers agreement or any other agreement entered into by or on behalf of the City and County. The appointing authority shall, with respect to any officer or employee heretofore or hereafter appointed, elected or designated to serve on any such board, commission or committee, forthwith transmit written notification to the Mayor of such appointment, election or designation. (Added by Ord. 12-73, App. 1/5/73; amended by Ord. 70-00, File No. 000357, App. 4/28/2000)

ARTICLE III: CITY PLANNING

- Sec. 2A.51. Planning; Advice on Physical Improvement and Development.
- Sec. 2A.52. Capital Improvement Advisory Committee—General Plan Referrals.
- Sec. 2A.53. General Plan Referrals.

SEC. 2A.51. PLANNING; ADVICE ON PHYSICAL IMPROVEMENT AND DEVELOPMENT.

The Planning Department shall advise the Board of Supervisors and other departments, commissions and agencies of the City and County in any matter affecting the physical improvement and development of the City and County. All public officials shall upon request furnish to the Planning Department such information as it may require for its work and the Planning Department shall furnish to all departments and officials of the City and County such information as said departments and officials may require concerning the General Plan. (Added by Ord. 320-96, App. 8/8/96)

SEC. 2A.52. CAPITAL IMPROVEMENT ADVISORY COMMITTEE—GENERAL PLAN REFERRALS.

The Capital Improvement Advisory Committee cannot act upon the annual capital expenditure plan, six-year capital improvement program, a capital improvement project or a long-term financing proposal such as, but not limited to, general obligation or revenue bonds or nonprofit corporation proposals until a General Plan referral report has been rendered by the Planning Department regarding conformity of the project with the General Plan. In order to complete the General Plan referral report in a timely fashion, early involvement of the Planning Department in the planning process is advised. The Planning Department is available to prepare a policy analysis report. This report will provide policy guidance for the planning

and decisionmaking of the proposal and its alternatives.

If the Planning Department fails to render a General Plan referral report within 45 days after receipt of such referral, unless a longer time has been granted by the Board of Supervisors, said capital improvement plan shall be deemed to be in conformity with the General Plan. Procedures for General Plan referrals as set forth in Section 2A.53 of this Code shall be applicable.

Further, to facilitate rational prioritization of capital improvement projects over a six-year time period and within the resource and debt capacity, the Planning Department shall assist in developing a strategic plan for capital expenditures for use of the Capital Improvement Advisory Committee and the Board of Supervisors. (Added by Ord. 68-98, App. 2/26/98)

SEC. 2A.53. GENERAL PLAN REFERRALS.

(a) **General.** The Charter requires that the Planning Department prepare written reports regarding the conformity with the General Plan for the use of the Board of Supervisors prior to its action on the acquisition, vacation, sale, change in use or title of public property, subdivision of land, construction or improvement of public buildings or structures, plans for public housing or public-assisted private housing, or redevelopment project plans, within the City and County.

(b) **Purpose.** The General Plan is a compendium of policies on all aspects of the City and County's physical development, formulated with extensive public participation, adopted by the Planning Commission, and approved by the Board of Supervisors. In order to implement the public policy contained in the General Plan, the following procedures will be used in determining consistency with the General Plan and reporting the findings to the Board of Supervisors in a timely manner prior to

action on the proposal. Early involvement of the Planning Department in the planning of a project or plan is advisable to avoid delays. The Planning Department is available to provide policy analysis reports on issues concerning the physical development of the city as a proactive information tool for decision making and analysis of applicable public policy as contained in the General Plan.

(c) **Applicability.** The following actions by the Board of Supervisors require a written report from the Planning Department on the consistency of the proposed action with the General Plan:

(1) Proposed ordinances and resolutions concerning the acquisition, extension, widening, narrowing, removal, relocation, vacation, abandonment, sale or change in the use of any public way, transportation route, ground, open space, building, or structure owned by the City and County;

(2) Subdivisions of land within the City and County;

(3) Projects for the construction or improvement of public buildings or structures within the City and County, the annual capital expenditure plan, six-year capital improvement program, a capital improvement project or a long-term financing proposal such as, but not limited to, general obligation or revenue bonds or nonprofit corporation proposals;

(4) Project plans for public housing, or publicly assisted private housing in the City and County;

(5) Redevelopment project plans within the City and County;

(6) Programs and schedules which link the General Plan to the allocation of local, State and federal resources; and

(7) Any substantial change to any of the above actions.

(d) **Application.** Property owners, public agencies and their respective agents shall initiate General Plan referrals by filing a completed application containing all required information with the Planning Department and paying an initial fee set forth in the Planning Code. The remainder of the fee, based on time and materials, shall be paid prior to the transmittal of the General Plan referral report to the applicant or Board of Supervisors. The Planning Department shall determine whether the application is complete and shall notify the applicant and, in the case

of an incomplete application, request the necessary information.

(e) **Determination.** For most General Plan referral applications, a written General Plan referral report stating that a proposed action is consistent with the General Plan, shall be transmitted to the applicant for submittal with the proposal to the Board of Supervisors in 45 days after accepting a complete application. If the response requires more than 45 days because of environmental review procedures, the complexity of the proposed action, public controversy generated by the proposal, or a public hearing before the Planning Commission, the Department shall notify the applicant and Board of Supervisors.

Proposals which are inconsistent with the General Plan, complex or have generated public controversy, shall require a public hearing and determination by the Planning Commission; provided, however, if the Planning Commission is unable to meet because a majority of its members has not been nominated, approved, and sworn in to office under Section 4.105 of the San Francisco Charter, such General Plan referral report shall be made by the Department. The Planning Commission resolution finding a proposal in conformity with the General Plan shall be submitted to the Board of Supervisors and the applicant within five business days after receipt of payment.

(f) **Board of Supervisor Action.** Resolutions or motions for actions listed under Subsection (c) of this Section shall include a finding of consistency with the General Plan. The Planning Commission or Department's disapproval of a proposed action may be overruled by a vote of not less than two-thirds of the members of the Board of Supervisors. (Added by Ord. 68-98, App. 2/26/98, amended by Ord. 186-02, File No. 021418, App. 9/6/2002; Ord. 218-02, File No. 021609, App. 11/1/02)

Editor's note:

Amendments to this section made by Ordinance 186-02 were scheduled to terminate automatically on the 61st day following its passage, pursuant to Ordinance 186-02 § 4, unless its provisions were reenacted upon the same terms and conditions applicable to its initial enactment. Ordinance 218-02 so reenacts and extends those provisions and schedules their automatic termination on the 61st day following passage of Ordinance 218-02.

ARTICLE IV: DISTRICT ATTORNEY; POLICE

- Sec. 2A.70. District Attorney.
- Sec. 2A.75. Police; Ranks in the Department.
- Sec. 2A.76. Police; Creation of New Ranks.
- Sec. 2A.77. Police; Other Executives.
- Sec. 2A.78. Police; Inspectors.
- Sec. 2A.79. Police; Special Police Officers.
- Sec. 2A.80. Police; Special Powers of the Chief of Police.
- Sec. 2A.81. Police; Traffic Regulation.
- Sec. 2A.82. Special Police Funds.
- Sec. 2A.85. Justice Tracking System (JUSTIS) Committee Governance Council.

SEC. 2A.70. DISTRICT ATTORNEY.

Any amount required by the District Attorney from time to time from the District Attorney's special fund shall be requisitioned by the District Attorney, stating the general purpose for which required, whereupon the Controller shall draw his warrant therefor and the claim be paid as provided for payment of other warrants by the Treasurer. All such sums may be used by the District Attorney solely as provided by general law and the District Attorney shall file vouchers with the Controller at the end of each fiscal year showing what disposition the District Attorney has made of any moneys received from such fund and the particular purpose for which it was disbursed, provided that, if a criminal proceeding be pending or under investigation, vouchers for moneys disbursed in such proceeding or investigation need not be filed until the trial of the criminal proceeding be ended or the investigation concluded. No portion of the fund shall be used for compensation or remuneration of full-time assistants or employees.

There shall be a Victim-Witness Assistance Program. The District Attorney shall work with other City Departments and public and private entities to provide assistance to victims and witnesses of crimes pursuant to Part 4, Title 6, Chapter 4, Article 2 of the California Penal Code. The program shall comply

with the standards and the evaluation and reporting procedures set forth in Article 2 of the California Penal Code. The District Attorney Victim-Witness Assistance Program is the major provider of victim/witness assistance in the City and County of San Francisco. The program may request, solicit, receive and disburse funds from governmental and non-governmental sources under the provisions of Article XV, Sections 10.170 and 10.170-1 of the San Francisco Administrative Code.

There shall be a Warrant and Bond Office. The District Attorney shall appoint an assistant to have charge of the Warrant and Bond Office to be designated Warrant and Bond Deputy, and such additional assistants and clerks as may be provided by the budget and appropriation ordinances. No person shall be appointed Warrant and Bond Deputy who is not at the time of his or her appointment qualified to practice law in all the courts of this State. The Warrant and Bond Deputy shall keep his or her office open continuously night and day for the transaction of business; the Warrant and Bond Deputy shall draw and approve with his or her signature all complaints and warrants in criminal actions to be prosecuted in the Municipal Courts and any inferior court established by law in this City and County and possessing criminal jurisdiction; the Warrant and Bond Deputy shall have custody of all bail bonds and appeal bonds taken in such courts.

The Warrant and Bond Deputy may issue bail bonds and appeal bonds and order the discharge from custody of the persons for whom such bonds are approved by a magistrate. The Warrant and Bond Deputy may fix cash bail in misdemeanor cases where arrests are made without warrants and may take cash bail in all cases arising in the Municipal Court and any inferior court established by law in this City and County and possessing criminal jurisdiction, and may order the discharge from custody of the persons for whom cash bail is deposited with the Warrant and Bond Deputy.

In the matter of fixing bail and ordering the release of prisoners the Warrant and Bond Deputy shall be subject to the judges of the Municipal Court and the judges of any court in the City and County empowered by law to act as magistrates. (Added by Ord. 320-96, App. 8/8/96; amended by Ord. 107-00, File No. 000538, App. 5/26/2000)

SEC. 2A.75. POLICE; RANKS IN THE DEPARTMENT.

The several ranks or positions in the Department shall be as follows: Chief of Police, captains, criminologists, lieutenants, inspectors, sergeants, assistant inspectors, police surgeon, police officers, police patrol drivers and women protective officers, and such other ranks or positions as the Police Commission may from time to time create as provided for in Section 2A.76 of this Code. (Added by Ord. 320-96, App. 8/8/96)

SEC. 2A.76. POLICE; CREATION OF NEW RANKS.

The Police Commission shall by rule and subject to the fiscal provisions of the Charter, have power to create new or additional ranks or positions in the Department which shall be subject to the civil service provisions of the Charter; provided that the Police Commission subject to the recommendation of the Civil Service Commission and the approval of the Board of Supervisors may declare such new or additional ranks or positions to be exempt from the civil service provisions of the Charter. If the Civil Service Commission disapproves any such exemption, the Board of Supervisors may approve such exemptions by a majority vote of the members thereof.

The Police Commission may in their discretion designate the rank or ranks from which appointments to such exempt ranks or positions shall be made. Appointments to any non-civil service rank or position above the rank of captain as may be created hereunder shall be designated only from the civil service rank of lieutenant or higher. However, a lieutenant appointed to any non-civil service rank above captain must have passed the six-month probationary period and served an additional six months as a permanent employee in that rank. If any new or additional rank or position is created pursuant hereto pending the adoption of salary

standards for such rank or position, the Police Commission shall have power to recommend the basic rate of compensation therefor to the Board of Supervisors who shall have the power to fix the rate of compensation for said new rank or position and it shall have the power, and it shall be its duty without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance to include the provisions necessary for paying the basic rate of compensation fixed by said Board of Supervisors for said new rank or position for the then current fiscal year.

The Police Commission shall also have power to establish and from time to time change the order or rank of the non-civil service ranks in the Police Department. (Added by Ord. 320-96, App. 8/8/96; amended by Ord. 44-99, App. 3/26/99)

SEC. 2A.77. POLICE; OTHER EXECUTIVES.

Subject to the provisions of the Charter governing the appointment and removal of non-civil service appointees, and without competitive examination, the Chief of Police shall have power to appoint a police surgeon; to appoint from among the members of the Department holding the civil service rank of lieutenant or higher, a member to any non-civil service rank above the rank of captain as may be created by the Police Commission pursuant to the provisions of Section 2A.76 of this Code; and to appoint a member to any non-civil service rank below the rank of captain as may be created by the Police Commission pursuant to the provisions of Section 2A.76 from among the members of the Department holding the rank or ranks designated by said commission pursuant to the provisions of Section 2A.76 of this Code. However, to be eligible for appointment to any non-civil service rank above captain, a lieutenant must have passed the six-month probationary period and served an additional six months as a permanent employee in that rank.

When any member of the Department, detailed to any of the positions above mentioned, shall be removed from said detail or position, he or she shall be returned to his or her civil service rank and position, unless removed from the Department pursuant to the provisions of Section A8.343 of the Charter. (Added by Ord. 320-96, App. 8/8/96; amended by Ord. 45-99, App. 3/26/99)

SEC. 2A.78. POLICE; INSPECTORS.

Assignment to the ranks of assistant inspector and inspector in the Police Department shall be made by the Chief of Police from among those members of said Department holding the ranks of sergeant or police officer who have qualified in the following manner; any of the aforesaid members of the Police Department who has served in the Department not less than three years shall be eligible to participate in a competitive examination for the rank of assistant inspector which shall be administered by the Civil Service Commission. The Chief of Police shall appoint assistant inspectors to fill vacancies in the rank of assistant inspector from the certified list of qualified candidates as provided for under the Civil Service Rules pertaining to uniformed personnel of the Police Department. If any member of the Department appointed as an assistant inspector is a sergeant at the time of the appointment or is appointed a sergeant thereafter, that member shall receive the rate of compensation attached to the rank of sergeant.

Assistant inspectors shall serve a six-month probationary period. Appointment as inspector shall not be subject to competitive examination. In case of vacancy in said rank of inspector the appointment shall be made by the Chief of Police from among those holding the rank of assistant inspector who have actually served as assistant inspector for at least two years prior to such appointment; provided, however, that in the event there are no assistant inspectors who have actually served as such for at least two years prior to such appointment, the appointment may be made by the Chief of Police from among those holding the rank of assistant inspector who have completed their six months' probationary period prior to such appointment. The Chief of Police may, from time to time, detail members of the Department for performance of duty, without change in rank, in the various units and bureaus of the Department.

Inspectors and assistant inspectors shall have the same rights as other members of the Department to take competitive examinations from their respective civil service ranks; provided, however, that any member of the Department holding the rank of inspector, assistant inspector or police officer may take the competitive examination for the rank of sergeant. An inspector or assistant inspector guilty of

any offense or violation of the rules and procedures of the Police Department shall be subject to punishment as provided in Charter Section A8.343; provided, however, that in addition to the punishments set forth in Section A8.343, an inspector may be demoted to his or her civil service rank for any offense or violation set forth in said section and after trial and hearing before the Police Commission as set forth therein. (Added by Ord. 320-96, App. 8/8/96; amended by Ord. 202-01, File No. 010762, App. 9/28/2001)

SEC. 2A.79. POLICE; SPECIAL POLICE OFFICERS.

Special Police Officers shall be subject to all the rules and regulations of the Department. (Added by Ord. 320-96, App. 8/8/96)

SEC. 2A.80. POLICE; SPECIAL POWERS OF THE CHIEF OF POLICE.

The Chief of Police shall have the power, by regulation, to provide for the care and restitution of property that may come into possession of any office

[Section 2A.80 continues on page 58.]

or employee thereof, and the sale at public auction of all such unclaimed property, as well as the disposition of such property as shall consist of weapons or articles used or that may be used in the commission of crime, or the sale or disposition of which is prohibited by law.

The Chief of Police may refuse to issue any permit that is subject to Police Department investigation and issuance, if it shall appear that the character of the business or the applicant requesting such permit does not warrant the issuance thereof, or the Chief of Police may revoke any such permit as soon as it shall appear that the business or calling of the person to whom it was granted is conducted in a disorderly or improper manner, or that the place in which the business is conducted or maintained is not a proper or suitable place in which to conduct or maintain such business or calling.

The Chief of Police in the performance of police duties shall have power to examine at any time the books and the premises of pawnbrokers, peddlers, junk and secondhand dealers, auctioneers and other businesses designated by the Board of Supervisors, and for these purposes shall have the power of inquiry, investigation and subpoena, as provided by the Charter. (Added by Ord. 320-96, App. 8/8/96)

SEC. 2A.81. POLICE; TRAFFIC REGULATION.

The traffic function of the Police Department shall be under the jurisdiction of the Chief of Police, who shall have powers and duties relating to street traffic, subject to laws relating thereto as follows:

(a) To regulate all street traffic by means of police officers and the emergency use of temporary signs or devices;

(b) To promote traffic safety education and to receive and give prompt attention to complaints in relation to street traffic and to refer all complaints relating to or arising from street design or from traffic devices, or the absence thereof, to the Department of Public Works;

(c) To collect and compile traffic accident data, copies whereof shall be furnished to the Department of Parking and Traffic;

(d) To cooperate and advise for the best performance of these functions, with the Department of Public Works, the Public Transportation

Commission, the Fire Department, the Department of City Planning, the Board of Supervisors, the Department of Parking and Traffic and other departments and agencies of the City and County and State as may be necessary; and

(e) To review all proposed plans relating to street traffic-control devices which are received from the Department of Parking and Traffic and to make such recommendations to that Department as may be deemed necessary for the proper regulation of street traffic within 15 days after receipt of said plans from the Department of Parking and Traffic.

The powers and duties of the Chief of Police with respect to traffic functions hereinabove stated shall not modify to any extent the powers and duties of any department or office, but shall be, first for the purpose of assisting the Chief of Police in his or her regulation of traffic, and, second, for the purpose of recommendation only, to other departments or offices upon matters within their jurisdiction, but affecting to any extent the regulation of traffic. (Added by Ord. 320-96, App. 8/8/96)

SEC. 2A.82. SPECIAL POLICE FUNDS.

The Board of Supervisors shall have the power to appropriate to the Police Department an amount not to exceed in any one fiscal year the sum of \$50,000 to be known as the contingent fund of the Chief of Police. The Chief of Police may from time to time, disburse such sums from such fund as in his or her judgment shall be for the best interests of the City and County in the investigation and detection of crime, and the Police Commission shall allow and order paid out of such contingent fund, upon orders signed by the Chief of Police, such amounts as may be required.

The Board of Supervisors shall have the power to appropriate to the Police Department an amount not less than \$50,000 in any one fiscal year to be known as the narcotic fund of the Chief of Police. The Chief of Police may from time to time, disburse such sums from such fund as in his or her judgment shall be for the best interests of the City and County in the enforcement of the narcotic laws, and the Police Commission shall allow and order paid out of such narcotic fund, upon orders signed by the Chief of Police, such amounts as may be required. (Added by Ord. 320-96, App. 8/8/96)

**SEC. 2A.85. JUSTICE TRACKING SYSTEM
(JUSTIS) COMMITTEE GOVERNANCE
COUNCIL.**

(a) **Creation of Council.** The Board of Supervisors hereby creates a Governance Council comprised of representatives of all participating criminal justice agencies in the City and County of San Francisco, or agencies that operate programs integrally related to the criminal justice system, to establish policy related to implementation and ongoing operation of JUSTIS (Justice Tracking Information System). JUSTIS is an integrated criminal justice information system serving participating criminal justice agencies in San Francisco.

(b) **Functions of the JUSTIS Governance Council.** The responsibility of the JUSTIS Governance Council include the following:

1. Setting priorities and approving direction for project development and enhancements;
2. Reviewing, approving, and submitting annual and supplemental appropriations requests.
3. Approving vendor contracts.

(c) **Membership.** The membership of the JUSTIS Governance Council shall be composed of the heads of the following agencies:

- (1) San Francisco Superior Court
- (2) District Attorney
- (3) Public Defender
- (4) Sheriff
- (5) Adult Probation Department
- (6) Police Department
- (7) Emergency Communications Department
- (8) Juvenile Probation Department
- (9) Mayor's Criminal Justice Council
- (10) Department on the Status of Women
- (11) Department of Telecommunications and Information Services (non-voting)

(d) **Chair and Co-Chair of Council.** The Director of the Mayor's Criminal Justice Council shall serve as the permanent Chair. The Co-Chair, selected from among voting members, shall serve on an annual rotating basis.

(e) **Meeting Frequency.** The JUSTIS Governance Council shall meet at least twice annually. The Chair may call a special or emergency meeting as needed.

(f) **Voting.** Each voting agency shall have one equal vote. Only department heads or their authorized designees may vote. A designee must be authorized by the Department Head to vote on all action items at the meeting.

(g) **Staffing.** Each participating Department shall assign staff as needed to support the implementation of JUSTIS. (Added by Ord. 309-00, File No. 001625, App. 12/28/2000; amended by Ord. 272-04, File No. 041242, App. 11/9/2004)

[The next page is number 59.]

ARTICLE V: FIRE

- Sec. 2A.90. Fire Department.
- Sec. 2A.91. Fire Department Physician.
- Sec. 2A.92. Fire; Ranks in the Department.
- Sec. 2A.93. Fire; Deputy Chief; Other Executives.
- Sec. 2A.94. Fire Marshal.
- Sec. 2A.95. Fire Prevention.
- Sec. 2A.96. Curtailment of Fireboat Operation.

SEC. 2A.90. FIRE DEPARTMENT.

The Chief of Department shall have power to send fire boats, apparatus and firefighters outside the City and County of San Francisco for fire-fighting purposes.

The commissioners shall by rule and subject to the fiscal provisions of the Charter, have power to create new or additional ranks or positions in the Department which shall be subject to the civil service provisions of the Charter; provided that the Fire Commission subject to the recommendation of the Civil Service Commission and the approval of the Board of Supervisors may declare such new or additional ranks or positions to be exempt from the civil service provisions of the Charter. If the Civil Service Commission disapproves any such exemption, the Board of Supervisors may approve such exemptions by a majority vote of the members thereof. The Fire Commission shall designate the civil service rank from which a non-civil service rank or position shall be appointed. Appointments to any non-civil service rank or position as may be created hereunder shall hold civil service status in the Department in the civil service rank from which they were appointed. In no rank below that of assistant chief shall the compensation attached to a non-civil service rank or position equal to exceed the next higher civil service rank or position from which they were appointed and for this purpose the next higher civil service rank

above H-2 fireman shall be H-20 lieutenant. If any new or additional rank or position is created pursuant hereto pending the adoption of salary standards for such rank or position, the Fire Commission shall have power to recommend the basic rate of compensation therefor to the Board of Supervisors and said Board of Supervisors shall have the power to fix the rate of compensation for said new rank or position and it shall have the power, and it shall be its duty, without reference or amendment to the annual budget, to amend the annual appropriation ordinance and the annual salary ordinance to include the provisions necessary for paying the basic rate of compensation fixed by said Board of Supervisors for said new rank or position for the then current fiscal year. (Added by Ord. 320-96, App. 8/8/96)

SEC. 2A.91. FIRE DEPARTMENT PHYSICIAN.

The Fire Commission shall appoint a Department Physician who shall hold office at its pleasure. (Added by Ord. 320-96, App. 8/8/96)

SEC. 2A.92. FIRE; RANKS IN THE DEPARTMENT.

The several ranks or positions in the Fire Department shall be: Chief of Department; assistant chiefs of department; battalion chiefs; captains; lieutenants; engineers; chiefs operators; firefighters; pilots of fireboats and marine engineers of fireboats; captain, bureau of fire prevention and public safety; lieutenant, Bureau of Fire Prevention and Public Safety; lieutenant, Bureau of Fire Investigation; inspector, Bureau of Fire Prevention and Public Safety; and investigator, Bureau of Fire Investigation, and such other ranks or positions as the Fire Commission may from time to time create as provided for in Section 2A.90. (Added by Ord. 320-96, App. 8/8/96)

SEC. 2A.93. FIRE; DEPUTY CHIEF; OTHER EXECUTIVES.

The Chief of the Fire Department shall have the power to appoint and to remove, at his or her pleasure, from among the members of the Department having the rank of assistant chief of Department or battalion chief, two Deputy Chiefs of Department and a Secretary to the Chief of the Department. (Added by Ord. 320-96, App. 8/8/96)

SEC. 2A.94. FIRE MARSHAL.

The Chief of the Fire Department, with the approval of the Fire Commission, may appoint a Fire Marshal and assistants. The Board of Supervisors may empower the Fire Marshal to sell property saved or salvaged from any fire and for which no owner can be found. The Fire Marshal may call upon police officers to assist in the protection or salvaging of property and shall have such other powers and duties as by ordinance may be prescribed relative to the protection of property at fires and the storage of property salvaged therefrom. The Fire Marshal shall have such duties appertaining to the enforcement of laws relative to the storage, sale and use of flammable and combustible liquids, combustible materials and explosives as the Fire Commission by rule, or the Supervisors by ordinance, may prescribe. (Added by Ord. 320-96, App. 8/8/96)

SEC. 2A.95. FIRE PREVENTION.

The Chief of Department shall have jurisdiction, under the supervision of the Fire Commission, of the Division of Fire Prevention and Investigation consisting of the Bureau of Fire Prevention and Public Safety and the Bureau of Fire Investigation. The Chief of Department shall hold the Assistant Chief of Department, Division of Fire Prevention and Investigation, to the responsibility and authority for enforcement of laws and statutes of the State of California, and the Charter and ordinances of the City and County of San Francisco, pertaining to matters of fire prevention and fire investigation.

The Bureau of Fire Prevention and Public Safety shall inspect all hospitals, schools, places of public assemblage, and other premises regulated by Title 19 of the California Administrative Code, flammable liquid storage facilities, other hazardous occupancies as defined by the Building Code, and all occupied or

vacated structures and premises to determine whether or not compliance is being had with statutes, regulations, and ordinances relative to fire prevention, fire protection and firespread control, and the protection of persons and property from fire. It shall enforce said statutes, regulations, and ordinances and shall report violations to other departments having jurisdiction.

The Bureau of Fire Prevention and Public Safety shall examine the application, plans and specifications for the erection, and for alterations or repairs estimated to exceed \$1,000 in cost, of any hospital, school, place of public assemblage as defined in the Building Code, other premises regulated by Title 19 of the California Administrative Code, flammable liquid storage facility, or other hazardous occupancy as defined by the Building Code, subject to the statutes, regulations, and ordinances referred to in this Section, and shall also examine the applications, plans and specifications for all structures and premises insofar as they involve the location of standpipes. The Bureau of Fire Prevention and Public Safety shall by written report, filed with the Director of Public Works, approve such plans and specifications, or report to said Director of Public Works, the particulars wherein noncompliance exists, and upon modification of the application, plans and specifications to comply therewith, the Bureau shall inform said Director of its approval. No permit for alteration or repair exceeding \$1,000 in cost of any hospital, school, place of public assemblage as defined in the Building Code, other premises regulated by Title 19 of the California Administrative Code, flammable liquid storage facility, or other hazardous occupancy as defined by the Building Code, or for the erection thereof, or involving the location of standpipes, shall be issued unless said approval is given.

Any structure or premises as provided in this Section wherein there exists any violation of statutes, regulations, or ordinances referred to in this Section, or which is maintained or used in such manner as to endanger persons or property by hazard or fire, explosion or panic and any structure or premises as provided in this Section hereafter constructed, altered or repaired in violation of said statutes, regulations, or ordinances, is hereby declared to be a public nuisance, and it shall be the duty of the Bureau of Fire Prevention and Public Safety to prosecute abatement proceedings.

The Bureau of Fire Prevention and Public Safety shall detail to the Department of Public Works such personnel as necessary to review and check plans relative to requirements of the Fire Code and shall report any particulars of noncompliance to the Director.

The Fire Department shall make recommendations to the Director of Public Works for possible revisions to the Building Code and Housing Code on matters of fire safety. (Added by Ord. 320-96, App. 8/8/96)

SEC. 2A.96. CURTAILMENT OF FIREBOAT OPERATION.

In the event that the services of any pilot, marine engineer or marine fireman holding permanent civil service status as such, hereinafter referred to as the said member, are no longer required in connection with fireboat operation due to curtailment of such operation by the City and County of San Francisco or due to the conversion from steam fireboats to motorized fireboats, the said member on the basis of seniority in rank may be reassigned to duties of a position of some other rank in the Fire Department in which a vacancy in a permanent position exists and not carrying a higher compensation than the compensation of the rank previously held by said member, as the Chief of Department, with the approval of the Fire Commission, shall determine are within the said member's ability to perform, below the rank of lieutenant; provided, however, said member shall not be eligible for promotional examination in the Fire Department. Upon such reassignment the said member shall be declared to be permanently appointed to such new rank as if appointed thereto after examination and certification from a list of eligibles under the civil service provisions of the Charter, and said member shall have seniority therein from date of such reassignment and he or she shall receive the same rate of pay as would be applicable to any other member of such new rank having the same number of years of service in the Department. If no vacancy in a permanent position exists to which immediate reassignment may be made as indicated above, then such member shall be laid off from his or her position subject to reassignment as indicated above when such a vacancy does occur.

If at any time after such reassignment the said member's original position, or a similar position

becomes available on fireboats under jurisdiction of the San Francisco Fire Department, the said member shall be assigned to such position in accordance with his or her seniority in rank in the Department, preference in such assignment being given to the said member having the greatest seniority. Upon such assignment the said member shall be declared to be reappointed to the rank said member held at the time he or she was transferred from such fireboat service and shall be restored to all the civil services rights and privileges appurtenant thereto, including such additional rights and privileges as may have accrued by reason of added seniority.

Nothing in this Section shall affect the said members pension and retirement rights and privileges. (Added by Ord. 320-96, App. 8/8/96)

ARTICLE VI: REAL PROPERTY; RECREATION AND PARK

- Sec. 2A.110. Director of Property.
- Sec. 2A.111. Recreation and Park; New Facilities.
- Sec. 2A.211-A. Public Administrator/Public Guardian Representative Payee Program.

SEC. 2A.110. DIRECTOR OF PROPERTY.

The Director of Property shall have the charge of the purchase of real property and improvements required for all City and County purposes, and the sale and lease of real property and improvements thereon owned by the City and County, except as otherwise provided by the Charter. In the acquisition of property required for street opening, widening or other public improvements, the Director shall make preliminary appraisals of the value of the property sought to be condemned or otherwise acquired, and report thereon to the responsible officer. It shall be his or duty, in addition, to assist in such proceedings on the request of the responsible officer.

Except for the Convention Facilities Management Department, each department authorized by the approval of bond issues or by annual or supplemental appropriation ordinances to purchase or lease property or improvements needed for the purposes of such department shall make such purchases or leases through the Director of Property. The Director of Property shall make a preliminary valuation of the property to be acquired or leased and report the same to the department requiring such property. For such purposes the Director of Property may employ independent appraisers. The Director of Property shall conduct negotiations with the owner or owners thereof, at the conclusion of which the Director shall report the terms on which such sale or lease may be concluded, together with his or her recommendations thereon. The head of the department concerned may report to the Board of Supervisors and recommend acceptance or that proceedings in eminent domain be instituted for the acquisition of such property.

The Director of Property shall maintain complete records and maps of all real property owned by the City, which shall show the purchase price, if known, and the department in charge of each parcel, with reference to deeds or grants establishing the City's title.

The Director of Property shall annually report to the Mayor, the Controller, the Director of Administrative Services, and the Supervisors, the estimated value of each parcel and improvement. The Director of Property shall make recommendations to the Mayor and Director of Administrative Services relative to the advantageous use, disposition, or sale of real property not in use. (Added by Ord. 277-96, App. 7/3/96)

SEC. 2A.111. RECREATION AND PARK; NEW FACILITIES.

The Recreation and Park Department shall have power to construct new parks, playgrounds, recreation centers, recreation facilities, squares and grounds, and to erect and maintain buildings and structures on parks, playgrounds, squares, avenues and grounds. Pursuant to Charter Section 16.107, the Recreation and Park Commission shall have the authority to prepare and approve the plans, specifications and estimates for all contracts and orders, and to award, execute and manage all contracts and orders for capital projects on real property under its jurisdiction or management. (Added by Ord. 352-96, App. 9/11/96; amended by Ord. 118-00, File No. 000478, App. 6/2/2000)

ARTICLE VII: PUBLIC UTILITIES

- Sec. 2A.130. Public Utilities; Powers and Duties.
- Sec. 2A.131. Public Utility; Hetch Hetchy Project.
- Sec. 2A.132. Public Utility Accounting.
- Sec. 2A.133. Public Utilities; Foreign Trade Zones.
- Sec. 2A.134. Public Utility Rates.

SEC. 2A.130. PUBLIC UTILITIES; POWERS AND DUTIES.

The Public Utilities Department shall locate and determine the character and type of all construction and additions, betterments and extensions to utilities under its control, and shall determine the policy for such construction or the making of such additions, betterments and extensions from the public funds under its jurisdiction; provided that in each such case it shall secure the recommendation of the Manager of Utilities, which shall be presented in writing and shall include analyses of cost, service and estimated revenues of all proposed or feasible alternatives in cases where it is deemed by the manager that such alternatives exist.

The Department shall also have power to enter into contract for the furnishing of heat, light and power for municipal purposes, and to supervise the performance and check the monthly bills under such contract. The Department shall provide adequate electric power to the municipal railway for its prudent use in providing transit services and related activities.

The Department shall have full power and authority to enter into such arrangements and agreements as it shall deem proper for the joint use with any other person, firm or corporation owning or having jurisdiction over poles, conduits, towers, stations, aqueducts, and reservoirs for the operation of any of the utilities under its jurisdiction.

The Department shall observe all City and County ordinances and the regulations of the Department of Public Works relative to utility

openings, structures and poles in streets and other public places, as well as all ordinances and regulations relative to barricades, construction lights, refilling excavations and replacing and maintaining street pavements; and in connection with all such matters the said Department shall be subject to the same inspection rules and pay fees to the proper department in the same manner and at the same rates as any private person or corporation.

The Department shall have charge of all valuation work relative or incidental to purchase proceedings initiated by the City and County for the acquisition of any public utility. (Added by Ord. 352-96, App. 9/11/96)

SEC. 2A.131. PUBLIC UTILITY; HETCH HETCHY PROJECT.

The Hetch Hetchy Project shall not be deemed completed until a specific finding of completion thereof has been made by the Public Utilities Commission and approved by the Board of Supervisors by a two-thirds vote of all members. (Added by Ord. 352-96, App. 9/11/96)

SEC. 2A.132. PUBLIC UTILITY ACCOUNTING.

The Public Utilities Department shall maintain separate accounts for each utility in such manner as to exhibit exact and complete financial results of ownership, management and operation; the actual cost of each utility; all costs of maintenance, extension and improvement; all operating expenses of every description; the general expenses of the Commission and bureaus thereof apportioned to each such utility; the amount paid or set aside for depreciation, insurance, interest and sinking fund; and estimates of the amount of taxes that would be chargeable against such property and the revenue thereof if privately owned and operated. All accounts shall be maintained in accordance with forms and requirements for public utilities engaged in like character of service, insofar as

these shall be applicable to publicly owned and operated utilities. (Added by Ord. 352-96, App. 9/11/96)

SEC. 2A.133. PUBLIC UTILITIES; FOREIGN TRADE ZONES.

Foreign trade zones, as may be authorized by acts of Congress to be located in the City and County, are hereby declared to be public utilities within the meaning of the Charter. (Added by Ord. 352-96, App. 9/11/96)

SEC. 2A.134. PUBLIC UTILITY RATES.

The Public Utilities Department shall propose to the Mayor and the Board of Supervisors rates, charges or fares for the furnishing of service by any utility under its jurisdiction. The Public Utilities Department shall have power to collect by appropriate means all amounts due for said service, and to discontinue service to delinquent consumers and to settle and adjust claims arising out of the operation of any said utilities.

Rates may be fixed at varying scales for different classes of service or consumers. The Department may provide for the rendition of utility service outside the limits of the City and County and the rates to be charged therefor which may include proportionate compensation for interest during the construction of the utility rendering such service.

Before proposing any schedule of rates or fares, the Commission shall publish in the official newspaper of the City and County for five days notice of its intention so to do and shall fix a time for a public hearing or hearings thereon, which shall be not less than 10 days after the last publication of said notice, and at which any resident may present his or her objection to or views on the proposed schedule of rates, fares or charges.

Rates for each utility shall be proposed so that the revenue therefrom shall be sufficient to pay, for at least the succeeding fiscal year, all expenses of every kind and nature incident to the operation and maintenance of said utility, together with the interest and sinking fund for any bonds issued for the acquisition, construction or extension of said utility. (Added by Ord. 352-96, App. 9/11/96)

ARTICLE VIII: ARTS AND CULTURE DEPARTMENTS

- Sec. 2A.150. Arts Commission; Functions, Powers and Duties.
- Sec. 2A.150.1. Arts Commission; Additional Responsibilities.
- Sec. 2A.155. Fine Arts Museums; Grounds.
- Sec. 2A.155.1. Fine Arts Museums; Accounts and Reports.
- Sec. 2A.155.2. Fine Arts Museums; Achenbach Gift.
- Sec. 2A.155.3. Fine Arts Museums; Acceptance of Gifts, Devises and Bequests.
- Sec. 2A.155.4. Fine Arts Museums; Sale, Exchange or Transfer of Works of Art.
- Sec. 2A.155.5. Fine Arts Museums; Exchanges of Works of Art.
- Sec. 2A.155.6. Fine Arts Museums; Public Auction.
- Sec. 2A.155.7. Fine Arts Museums; Private Sale in Lieu of Auction.
- Sec. 2A.155.8. Fine Arts Museums; Other Means of Sale.
- Sec. 2A.155.9. Fine Arts Museums; Moneys Received for Sale of Works of Art.
- Sec. 2A.155.10. Fine Arts Museums; Transfer of Works of Art.
- Sec. 2A.155.11. Application to the Asian Art Commission.
- Sec. 2A.155.12. Application to the San Francisco Airport Commission.
- Sec. 2A.160. Academy of Sciences; Relationship with City and County.
- Sec. 2A.160.1. Academy of Sciences; Memorial Buildings.
- Sec. 2A.165. War Memorial; "Trustees" Defined.
- Sec. 2A.165.1. War Memorial; Powers of Trustees Subject to Charter.
- Sec. 2A.165.2. War Memorial; Jurisdiction.

- Sec. 2A.165.3. War Memorial; Acceptance of Gifts, e.c.; Special Fund.
- Sec. 2A.165.4. Purchases of Materials and Supplies.
- Sec. 2A.166. San Francisco Museum and Historical Society Advisory Committee.

SEC. 2A.150. ARTS COMMISSION; FUNCTIONS, POWERS AND DUTIES.

No work of art shall be contracted for or placed or erected on property of the City and County or become the property of the City and County by purchase, gift or otherwise, except for any museum or art gallery, unless such work of art, or a design or model of the same as required by the Arts Commission, together with the proposed location of such work of art, shall first have been submitted to and approved by the Commission. The term "work of art" as used in this Section shall comprise paintings, mural decorations, stained glass, statues, bas reliefs or other sculptures; monuments, fountains, arches or other structures of a permanent or temporary character intended for ornament or commemoration. No existing work of art in the possession of the City and County shall be removed, relocated or altered in any way without the approval of the Commission, except as otherwise provided herein. The Commission shall have similar powers with respect to the design of buildings, bridges, viaducts, elevated ways, approaches, gates, fences, lamps or other structures erected or to be erected upon land belonging to the City and County, and concerning arches, bridges, structures and approaches which are the property of any corporation or private individual and which shall extend over or upon any street, avenue, highway, park or public place belonging to the City and County. Said Commission shall so act and its approval shall be required for every such structure which shall hereafter be erected or contracted for, and may advise in respect to lines, grades and platting of public ways and grounds.

Nothing herein contained shall be construed to limit or abridge the legal powers of the governing boards of the War Memorial, the Fine Arts Museums or the Asian Art Museum.

The Commission shall supervise and control the expenditure of all appropriations made by the Board of Supervisors for music and the advancement of art or music.

The Commission shall exercise all reasonable supervision of policy connected with the arts as may hereafter be assigned to it by ordinance or executive action.

The Commission shall decide upon any expenditure of less than \$1,000 within 15 days after submission, and upon any other matter within 30 days after submission. If it fails so to do, its decision shall be considered unnecessary.

The Commission may volunteer advice or suggestion to the owners of private property in relation to the beautification of the same; and any person contemplating to erect any building or make any improvement may submit the plans and designs or sketches thereof to the Commission for advice and suggestions, for which no charge shall be made by the Commission. (Added by Ord. 352-96, App. 9/11/96)

SEC. 2A.150.1. ARTS COMMISSION; ADDITIONAL RESPONSIBILITIES.

(a) **Cataloging, Care and Maintenance of Public Art Media.** The cataloging, care and maintenance of all sculptures, statues, murals, paintings and other art media belonging to the City and County of San Francisco, other than and excepting those located on properties under the jurisdiction and control of the San Francisco Unified School District, the M. H. de Young Memorial Museum, the California Palace of the Legion of Honor, the California Academy of Sciences and the Recreation and Park Commission, shall be under the jurisdiction of the Arts Commission.

(b) **Agreement with Recreation and Park Commission.** The Arts Commission shall be authorized to enter into agreement with the Recreation and Park Commission, upon such terms as may be mutually agreed, for the cataloging, care and maintenance of any or all of the above media located on properties under the jurisdiction of the Recreation and Park Commission.

(c) **Authorization for Sale of Works of Art.** When the Arts Commission determines that it would be advantageous to the City and County, a work of art under the jurisdiction of the Arts Commission may be sold or exchanged as hereinafter set forth.

The Arts Commission may execute and accept all deeds of conveyance necessary and proper to effect a duly authorized sale or exchange. A work of art to be sold or exchanged shall be cataloged, listed and described with reasonable certainty and a copy of such catalog shall be furnished to the purchaser of supplies.

(d) **Exchange of Works of Art.** The Arts Commission may exchange a work of art on such terms as the Arts Commission, by a 2/3 vote of the members of the Arts Commission, determines appropriate; provided that any exchange is subject to the approval of the purchaser of supplies.

(e) **Public Auction.** A work of art under the jurisdiction of the Arts Commission may be sold at public auction to the highest and best bidder and the Arts Commission may contract with a licensed auctioneer for the purpose of conducting the sale or sales. The contract shall specify the compensation to be paid for the auctioneer's services and set forth the terms and conditions under which the sale or sales are to be conducted. Each such contract shall be approved by the Purchaser of Supplies.

(f) **Sale at Other Than Public Auction.** A work of art under the jurisdiction of the Arts Commission may be sold by private sale under the following circumstances:

(1) If the work is offered at public auction and no bids are received, or if the bids are rejected; or

(2) If the Arts Commission determines, by a 2/3 vote of the members of the Arts Commission, that the work may be sold on terms more advantageous to the City and County if sold through private sale. Any contract for the private sale of a work of art is subject to the approval of the Purchaser. A work of art on which bids have been rejected shall not thereafter be sold through private sale for less than the amount of the highest bid received.

(g) **Reproductions or Adaptations.** The Arts Commission may license the making of reproductions or adaptations of works of art under its jurisdiction.

(h) **Disposition of Proceeds from the Sale or Exchange of a Work of Art or of a Reproduction or Adaptation Thereof.** All moneys received from the

sale of a work of art under the jurisdiction of the Arts Commission, or from the licensing of the making of a reproduction or adaptation thereof, shall be placed in the public art media fund as provided for in Section 10.117-1 of the San Francisco Administrative Code. The monies in this fund attributable to the sale or exchange of a work of art shall be used exclusively for the purpose of acquiring or maintaining one or more other works of art for the same public building or purpose for which the original work was acquired. (Amended by Ord. 416-82, App. 8/20/82; Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.155. FINE ARTS MUSEUMS; GROUNDS.

The Recreation and Park Department shall maintain and care for the grounds of the Museums, and shall furnish the monies for the necessary repair and embellishment of the grounds and unoccupied parts. (Added by Ord. 352-96, App. 9/11/96)

SEC. 2A.155.1. FINE ARTS MUSEUMS; ACCOUNTS AND REPORTS.

The Fine Arts Museums shall keep a full account of all property, money, receipts and expenditures, and a record of all Board of Trustees proceedings. (Added by Ord. 352-96, App. 9/11/96; amended by Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.155.2. FINE ARTS MUSEUMS; ACHENBACH GIFT.

The City and County accepts from Moore S. and Hazel J. Achenbach the gift of a collection of etchings, engravings, lithographs and other forms of graphic art and drawings, consisting of approximately 75,000 works of art. Such collection shall be placed in suitable quarters in the buildings maintained by the California Palace of the Legion of Honor and shall remain in the custody, management, supervision and operation of and by the California Palace of the Legion of Honor. Portions of the collection shall be on exhibition for the inspection of the public during all times that the main building of the California Palace of the Legion of Honor is open.

In accepting the gift, provision will be made for the California Palace of the Legion of Honor to engage a curator and assistant curators for the

collection, subject to the conditions herein elsewhere set forth, who shall be persons experienced in the collection and exhibition of graphic arts. They need not be residents of City and County, nor be subject to the civil service provisions of the Charter of the City and County. Their duty shall be to supervise the maintenance of the collection and designate the times when and the portions thereof to be placed on exhibition. Such other assistant curators shall be provided by the California Palace of the Legion of Honor for the proper maintenance, management, supervision, operation and storage of the collection.

In the event that the California Palace of the Legion of Honor should at any time fail to carry out the intent and conditions under which the gift is made, the objects of art shall revert to and become the property of the donors or the survivor, or in the event of their death, of such corporation, association or individual as the donors may designate, either in their joint wills or in the will of the survivor as between them, or in a joint declaration of trust that may be made during the lifetime of the donors, or in a declaration of trust that may be made by the survivor as between the donors. For the purposes of carrying out the intent of this Section, the Mayor is hereby authorized to enter into a contract with Moore S. and Hazel J. Achenbach and execute any and all other papers or documents required for its accomplishment.

The collection shall be known and referred to at all times as the Achenbach Foundation For Graphic Arts.

The provisions of this Section shall be subject to the budget and fiscal provisions of the Charter of the City and County. (Res. No. 10629 (1939); amended by Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.155.3. FINE ARTS MUSEUMS; ACCEPTANCE OF GIFTS, DEVICES AND BEQUESTS.

The Board of Trustees of the Fine Arts Museums of San Francisco is hereby authorized to accept gifts, devices and bequests of objects of art or other articles to the M. H. de Young Memorial Museum, the California Palace of the Legion of Honor or the Fine Arts Museums solely for exhibition purposes when the acceptance of the same entails no expense on the part of the board beyond the ordinary care and maintenance of such objects of art or other articles.

All gifts, devises and bequests of objects of art or other articles heretofore made to the aforesaid museums which entail no expense beyond the ordinary care and maintenance thereof for exhibition purposes are hereby accepted for the purposes for which they have been given.

Nothing in this Section shall be considered to approve or ratify the acceptance in the past or in the future of any gift, devise or bequest made to the aforesaid museums, the administration of which gifts, devises or bequests entails any expense beyond the care and maintenance of the objects of such gifts, devises or bequests for exhibition purposes. (Amended by Ord. 295-74, App. 6/12/74; Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.155.4. FINE ARTS MUSEUMS; SALE, EXCHANGE OR TRANSFER OF WORKS OF ART.

When, in the judgment of the Board of Trustees of the Fine Arts Museums of San Francisco, works of art or other articles in the possession of the museums are no longer fit for exhibition purposes in said museums, such works of art or other articles may be sold, exchanged or transferred as hereinafter set forth. Such works of art or other articles to be sold, exchanged or transferred shall be catalogued, listed and described with reasonable certainty. (Added by Ord. 144-64, App. 5/27/64, amended by Ord. 347-89, App. 10/4/89; Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.155.5. FINE ARTS MUSEUMS; EXCHANGE OF WORKS OF ART.

The Board of Trustees may exchange such works of art or other articles for other works of art or other articles of equivalent value. The said Trustees may execute and accept all deeds of conveyance necessary and proper to effect such exchange. (Added by Ord. 144-64, App. 5/27/64, amended by Ord. 347-89, App. 10/4/89; Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.155.6. FINE ARTS MUSEUMS; PUBLIC AUCTION.

The said Trustees may cause said works of art or other articles to be sold at public auction to the highest

and best bidder, and may contract with a licensed auctioneer for the purpose of conducting the sale or sales. The contract shall specify the compensation to be paid for the auctioneer's services and set forth the terms and conditions under which the sale or sales are to be conducted. (Added by Ord. 144-64, App. 5/27/64; amended by Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.155.7. FINE ARTS MUSEUMS; PRIVATE SALE IN LIEU OF AUCTION.

Should no bids be received, or if bids are received and rejected as unsatisfactory, or if the high bid fails for reasons beyond the control of the trustees, the work of art or other article may thereafter be sold by private sale by the Trustees, provided, that works of art or other articles on which bids have been rejected shall not thereafter be sold for amounts less than the amount the Trustees would have realized on the highest responsible bid. (Added by Ord. 144-64, App. 5/27/64, amended by Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.155.8. FINE ARTS MUSEUMS; OTHER MEANS OF SALE.

The Trustees may sell works of art or other articles through the museum's store, at a fundraising event, or a similar publicly-accessible venue when the Trustees determine, based upon reasonable independent information, that such sale is likely to realize a market value greater than what is expected at public auction. (Added by Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.155.9. FINE ARTS MUSEUMS; MONEYS RECEIVED FOR SALE OF WORKS OF ART.

All moneys received from the sale of any work of art or other article sold pursuant to the provisions of this Article shall be placed in the trust fund of the Fine Arts Museums of San Francisco. Deposits in said trust fund shall be under the jurisdiction of the Board of Trustees. Said deposits in said trust fund shall be used for the purchase of other works of art and other articles to be exhibited in the Fine Arts Museums of San Francisco. (Added by Ord. 144-64, App. 5/27/64, amended by Ord. 347-89, App. 10/4/89; Ord. 24-00, File No. 992319, App. 2/25/2000)

**SEC. 2A.155.10. FINE ARTS MUSEUMS;
TRANSFER OF WORKS OF ART.**

(a) The collections of the Fine Arts Museums of San Francisco contain certain objects which are no longer appropriate to the collections. Many such objects are of scientific, social, cultural or historic value, but of little monetary value and therefore not appropriate for sale or exchange. The Board of Trustees nonetheless has a duty of care towards these objects and must expend funds for the storage and conservation of the items. It is in the interest of the City and County of San Francisco that these objects, under appropriate circumstances, be transferred to other public and nonprofit institutions for preservation, study and display, thereby relieving the City of the responsibility and expense of storing and preserving these objects.

(b) The Board of Trustees may transfer title to a work of art or other article in the Fine Arts Museums' collections to another public or nonprofit institution when the transfer is in the public interest. A transfer to another institution is deemed to be in the public interest where the Board of Trustees makes the following findings:

(1) The object is no longer appropriate to the Fine Arts Museums' collections; and

(2) The scientific, social, cultural and/or historical value of the object outweighs its monetary value; and

(3) The object is more likely to be preserved, studied and available to the public if it is transferred to the recipient institution than if it remains with the Fine Arts Museums of San Francisco or is sold.

(c) Where it is found to be in the public interest to transfer any object which is of historical or other interest to San Francisco, the object will first be offered to a San Francisco public or nonprofit institution.

(d) No work of art or other article in the Fine Arts Museums' collections may be transferred to another institution unless the transfer is approved by a majority of the members of the Board of Trustees. The Trustees may execute all deeds of conveyance necessary and proper to effect such transfer. (Added by Ord. 347-89, App. 10/4/89; amended by Ord. 24-00, File No. 992319, App. 2/25/2000)

**SEC. 2A.155.11. APPLICATION TO THE
ASIAN ART COMMISSION.**

The powers and duties set forth in Sections 2A.155.4 through 2A.155.10 authorizing the Board of Trustees of the Fine Arts Museums to sell, exchange or transfer works of art or other articles shall also be applicable to the Asian Art Museum with respect to works of art or other articles in its possession. Funds from the sale of objects in the Asian Art Museum's possession shall be placed in the general art acquisition fund of the Asian Art Museum and shall be under the jurisdiction of the Asian Art Commission. (Added by Ord. 291-98, App. 9/30/98; amended by Ord. 24-00, File No. 992319, App. 2/25/2000)

**SEC. 2A.155.12. APPLICATION TO THE
SAN FRANCISCO AIRPORT COMMISSION.**

The powers and duties set forth in Sections 2A.155.4 through 2A.155.10 authorizing the Board of Trustees of the Fine Arts Museums to sell, exchange or transfer works of art or other articles shall also be applicable to the San Francisco Airport Commission with respect to objects in its possession. Funds from the sale of objects in the Airport Museum's possession shall be placed in the Airport Museum's trust fund within the Airport Revenue Fund and shall be under the jurisdiction of the Airport Commission. Nothing in this Section is intended to limit or abridge the Arts Commission's authority with respect to works of art as set forth in Charter Section 5.103 and Administrative Code Section 2A.150. (Added by Ord. 291-98, App. 9/30/98; Ord. 24-00, File No. 992319, App. 2/25/2000)

**SEC. 2A.160. ACADEMY OF SCIENCES;
RELATIONSHIP WITH CITY AND COUNTY.**

In addition to all other approvals required by law, plans for all proposed buildings and improvements of the California Academy of Sciences including any additions, must be approved by the Recreation and Park Commission and the Arts Commission. The Recreation and Park Commission is hereby authorized, subject to approval by the Board of Supervisors by ordinance, and subject to the provisions of Section 4.113 of the Charter, to set apart from time to time such portions of property under its

control, as may be required for such buildings and improvements, sufficient grounds being allotted to secure the safety of the same from fire.

The erection of buildings or additions to buildings shall not be started by the California Academy of Sciences until it shall have submitted a statement satisfactory to the Recreation and Park Commission of its ability to finance the proposed work to completion. The Board of Supervisors shall, by ordinance, prescribe the insurance to be furnished by the California Academy of Sciences to save the City and County harmless from claims for damages to persons or property arising from the construction or use of any of said buildings. Reasonable and appropriate charges may be made by the California Academy of Sciences for admission to or use of the Alexander F. Morrison Planetarium and Auditorium. (Added by Ord. 352-96, App. 9/11/96; amended by Ord. 132-99, File No. 990583, App. 5/28/99)

SEC. 2A.160.1. ACADEMY OF SCIENCES; MEMORIAL BUILDINGS.

Particular buildings or improvements or portions thereof may be named in memory of persons designated by the California Academy of Sciences. (Added by Ord. 352-96, App. 9/11/96; amended by Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.165. WAR MEMORIAL; "TRUSTEES" DEFINED.

As used in Sections 2A.165.1 through 2A.165.3, the word "Trustees" shall mean the Board of Trustees of the War Memorial and Performing Arts Center of the City and County. (Amended by Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.165.1. WAR MEMORIAL; POWERS OF TRUSTEES SUBJECT TO CHARTER.

The Board of Trustees of the War Memorial and Performing Arts Center, in exercising the powers granted to it under Article V of the Charter, relative to the construction, administration, management, superintendence and operation of the War Memorial and Performing Arts Center of the City and County, shall do so subject to the provisions of this Chapter. (Ord. No. 8931 (N.S.), Sec. 1; amended by Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.165.2. WAR MEMORIAL; JURISDICTION.

(a) The Trustees shall have jurisdiction over the buildings and grounds of the War Memorial Opera House and War Memorial Veterans Building on the real property located in the City and County bounded by Van Ness Avenue, Grove, Franklin and McAllister Streets.

(b) The Trustees shall also have jurisdiction over the Louise M. Davies Symphony Hall and Harold L. Zellerbach Rehearsal Hall, including all of the buildings and grounds on the real property bounded by Van Ness Avenue and Hayes, Franklin and Grove Streets. (Amended by Ord. 302-80, App. 6/27/80, Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.165.3. WAR MEMORIAL; ACCEPTANCE OF GIFTS, ETC.; SPECIAL FUND.

No gifts, devises or bequests, other than unconditional gifts, devises and bequests of cash, shall be accepted by the City and County for the War Memorial and Performing Arts Center without the consent of a majority of the Trustees. Any gifts, devises or bequests received by the Trustees on behalf of the City and County for any purposes connected with the War Memorial and Performing Arts Center, or incident thereto, shall be set aside in a special fund for the use and benefit of the War Memorial and Performing Arts Center. (Ord. No. 8931 (N.S.), Sec. 4; amended by Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.165.4. PURCHASES OF MATERIALS AND SUPPLIES.

Purchases of materials, supplies and equipment required by the Trustees shall be made in accordance with the provisions of this Code; provided, however, that specifications may be prepared under the direction of the Trustees for all equipment required by the Trustees and for material or supplies peculiar to the War Memorial operations and not in common use in other departments of the City and County. The Trustees may designate the particular brand, kind or make of any equipment which may be necessary in the conduct of the War Memorial. (Ord. No. 8931 (N.S.), Sec. 9; amended by Ord. 24-00, File No. 992319, App. 2/25/2000)

SEC. 2A.166. SAN FRANCISCO MUSEUM AND HISTORICAL SOCIETY ADVISORY COMMITTEE.

(a) **Establishment of Committee.** There is hereby established a San Francisco Museum and Historical Society Advisory Committee ("Committee").

(b) **Committee Membership.** The Committee shall consist of eleven (11) voting members. The members shall consist of:

(1) Two (2) representatives from the San Francisco Museum and Historical Society (the "Society");

(2) Two (2) representatives from the Fine Arts Museums of San Francisco ("FAMSF");

(3) One (1) representative from the San Francisco Public Library currently working in the City Archives division or with expertise in historic materials;

(4) One (1) member of the public with significant expertise or experience researching and documenting the history of San Francisco ("the Historical Research Representative");

(5) Two (2) members of the public from historical organizations including, but not limited to, organizations focused on the history of ethnic or racial minorities, sexual orientation, gender, or any of the various other cultural communities within San Francisco (the "Historical Organization Representatives");

(6) One (1) member of the public with a professional background in museums who is not affiliated with FAMSF or the Society (the "Museum Professional Representative"); and

(7) Two (2) members of the public from organizations or communities with extensive knowledge of the history or cultural traditions of an ethnic minority community within San Francisco, with a focus on ancestral lineage or other historical and cultural links to the San Francisco Bay Area (the "Community Representatives").

The Society representatives shall be appointed by the San Francisco Museum and Historical Society. The Historical Organization Representatives and one of the Community Representatives shall be appointed by the Board of Supervisors based on nominations from the Society and from applications submitted by

the general public. The Museum Professional Representative, the Historical Research Representative and the other Community Representative shall be appointed by the Mayor based on nominations from the Society and from applications submitted by the general public. The Society's nominations and the applications for the Historical Organization Representative and Board-appointed Community Representative positions shall be submitted to the Clerk of the Board of Supervisors within 30 days of the enactment of this Ordinance. The Society's nominations and the public representative applications for the Museum Professional Representative, the Historical Research Representative and the Mayor-appointed Community Representative positions shall be submitted to the Mayor's Office within 30 days of the enactment of this Ordinance. The San Francisco Public Library representative shall be appointed by the City Librarian. The FAMSF representatives shall be appointed by the Director of the Fine Arts Museums. All appointments shall be made within 60 days after enactment of this Ordinance and thereafter, as provided in subparagraph (c). Each Committee member shall serve at the pleasure of the appointing authority.

In making appointments, members of the Board of Supervisors, Mayor, City Librarian and the Director of the Fine Arts Museums shall take into consideration City policy that the members of all boards, commissions and committees be broadly representative of the diversity in ethnicity, race, age and sexual orientation of the City and County and have representation of both sexes. In no event shall more than five members of the Committee consist of members of the Fine Arts Museums Board of Trustees ("Fine Arts Museums Board") or its Executive Committee. In no event shall more than five members of the Committee consist of board members of the Society.

(c) **Term of Office.** Members shall serve a term of one year. The first one-year term for all members, other than the Community Representatives, shall begin upon the date the Clerk of the Board of Supervisors certifies that all members of the Committee have been appointed following the adoption of this Ordinance. Future terms of office shall begin on that date of each successive year.

Members shall conduct the first meeting of the Committee within thirty days of the appointment of a quorum of the members. The first one-year term for the Community Representatives shall begin upon the date the Clerk of the Board of Supervisors certifies that such representatives have been appointed.

In the event a vacancy in Committee membership occurs, the successor to the vacant position shall be appointed to complete the unexpired term of the office vacated in the same manner used to select the previous occupant of that position, consistent with subparagraph (b).

(d) **Removal of Members.** Any member whom the Committee certifies to have missed three regularly scheduled meetings of the Committee in any six month period without prior authorization of the Committee shall be deemed to have resigned from the Committee effective on the date of the written certification from the Committee.

(e) **Compensation.** Members of the Committee shall not be compensated, nor shall they be reimbursed for expenses.

(f) **Purposes and Duties of Committee.** The purposes and duties of the Committee are to publicly discuss and make recommendations to the Board of Supervisors, Fine Arts Museums Board and San Francisco Museum and Historical Society regarding any or all of the following topics:

(1) The management of the City history collections of the San Francisco Museum and Historical Society, the Fine Arts Museums of San Francisco, the San Francisco Public Library and other City departments, (the "Collection") including, but not limited to, issues related to the inventory, housing, storage, exhibition, conservation and development of such Collection;

(2) The type of relationship between the City and the Society that would best serve to ensure the continuing existence, financial stability and success of the San Francisco Museum and Historical Society.

(3) The identification of permanent exhibition venue(s) for the Society's Collection and funding for such venue(s);

(4) Sources of potential financial support for the Society;

(5) The potential creation of one or more full-time or part-time positions under the Fine Arts Museums' budget for the purpose of conducting a complete inventory/catalogue of the City and County of San Francisco's historical collections as well as those of the Society;

(6) The potential merger of the City's historical collections with the Society's Collection; and

(7) Strategies to promote citywide communication and partnership between various local organizations that hold historical/cultural resources.

(g) **Reporting Requirements.** The Committee shall submit to the Board of Supervisors, the Fine Arts Museums Board and San Francisco Museum and Historical Society an initial written report, by March 31 of 2003, summarizing its preliminary findings and recommendations, and then submit a detailed annual report by March 1 of each subsequent year the Committee is in operation.

(h) **Officers.** At the initial meeting of the Committee, the Committee members shall select such officers as it deems necessary.

(i) **Staff Support.** The Fine Arts Museums shall provide and/or oversee staff support and resources for the Committee.

(j) **Meetings.** The Committee shall meet at least bi-monthly. All meetings of the Committee, except as provided by applicable laws, shall be open to the public.

(k) **Establishment of Rules and Regulations.** The Committee, which qualifies as a Policy Body under San Francisco Administrative Code Chapter 67 (the "Sunshine Ordinance"), shall establish rules and regulations for its own organization and procedure that are consistent with the Sunshine Ordinance and other laws governing the conduct of public meetings.

(l) **Sunset Clause.** The provisions of this Ordinance and the operation of the Committee shall expire on June 1, 2006, unless otherwise amended by the Board of Supervisors. (Added by Ord. 92-02, File No. 020637, App. 6/14/2002, amended by Ord. 25-03, File No. 030039, App. 2/21/2003, Ord. 96-05, File No. 050643, App. 5/20/2005)

ARTICLE IX: AIRPORT

Sec. 2A.170. Airport Commission; Powers and Duties.

Sec. 2A.171. Airport Director.

Sec. 2A.173. Leases and Concessions on Airport Property.

SEC. 2A.170. AIRPORT COMMISSION; POWERS AND DUTIES.

The Airport Commission shall have all the powers and duties in the possession, management, supervision, operation, use, maintenance, extension and control of the San Francisco International Airport and of all other airport properties wherever situated as it may acquire or which may be placed under its control.

In carrying out such powers and duties, the Airport Commission shall have the authority to enter into all contracts, leases and other agreements which relate to matters under its jurisdiction or to airport properties wherever situated or as it may acquire or which may be placed under its control subject to the Charter.

In locating and determining the character and type of improvements and additions, betterments or extension to airport properties under its control, the Commission shall, in each case, first secure the written recommendation of the Airport Director, including analysis of cost, service and estimated revenue of all proposed alternatives determined feasible by said Director. Subject to the provisions of Section 2A.110 of this Code, the Commission shall have the power to purchase, lease or otherwise acquire all such lands, property, improvements or related facilities as it may deem necessary or convenient in the exercise of the authority granted hereunder.

The Airport Commission shall have power to fix, change and adjust rates and charges for the furnishing of services, including the furnishing of utility services. (Added by Ord. 439-96, App. 11/8/96)

SEC. 2A.171. AIRPORT DIRECTOR.

The Airport Director shall hold office at the pleasure of the Commission. The Director shall have full power and authority to administer the affairs of the Commission as the chief executive officer thereof. The Director shall appoint or remove the heads of airport divisions under the Commission's jurisdiction. The heads of airport divisions shall be exempt from the civil service provisions of the Charter; provided, however, that said Director and each division head so appointed possess the necessary executive, administrative and technical qualifications for his respective position.

In addition to the powers and duties conferred upon him or her as elsewhere provided in the Charter, the Airport Director shall have the power and it shall be his or her duty:

(a) To enforce all orders, rules and regulations adopted by the Commission relating to the regulation, operation or control of the funds, facilities, property and equipment of said Commission; and

(b) To supervise and manage the design, construction, maintenance and operation of all work or works authorized by the Commission and to that end, subject to its control and guidance, the Commission shall have the power to delegate to him or her such necessary powers and duties as are by the Charter or this Code conferred upon said Commission.

The Director shall also have the power to designate and assign by written permit lands, improvements, space or areas in any hangar or other building at any airport operated or controlled by the Department at the duly established rates or charges for the use thereof and subject to the applicable rules and regulations governing same. Each such permit shall be revocable by the Director without compensation to the permittee upon due notice to be stated therein. (Added by Ord. 439-96, App. 11/8/96)

Sec. 2A.172.

(Added by Ord. 439-96, App. 11/8/96; repealed by Ord. 180-03, File No. 030870, App. 7/18/2003)

**SEC. 2A.173. LEASES AND CONCESSIONS
ON AIRPORT PROPERTY.**

The Airport Commission shall have power to negotiate and execute leases of airport lands and space in airport buildings, without necessity for competitive bidding, to any person, firm, or corporation engaged in air transportation or the provision of utility services to the public (including, but not limited to, the provision of: telecommunications, electricity, water, gas or sewerage), or agency of government, for such purposes only; provided, that the original term of any such lease shall not exceed 50 years, nor shall any extension of such lease exceed a period of 50 years. The Commission shall also have sole power, subject to a competitive process and award to the highest or best responsible bidder or proposer to lease out any concession wherein the concessionaire is to be given an exclusive right to occupy space on or in airport lands or buildings. There shall be no requirement for a competitive process in the award by the Commission of any concession in an instance where no exclusive right is given the concessionaire to occupy space on or in airport lands or buildings.

The Airport Commission shall also have exclusive power to lease lands now devoted to airport purposes or lands that may hereafter be acquired and devoted to airport purposes for a period not to exceed 50 years. Section 23.6-3 of this Code shall not be applicable to leases referred to in this paragraph, provided, however, that no lease of airport lands or agreement which divests the City and County of the right to manage, operate or control the aircraft landing field, the entire part of the airport not devoted to the aircraft landing field, or the entire airport shall be made without the approval of the Board of Supervisors by ordinance and referral and submission to a vote of the electors of the City and County at the election next ensuing not less than 60 days after the adoption of such ordinance, and such ordinance shall not go into effect until ratified by a majority of voters voting thereon. (Added by Ord. 439-96, App. 11/8/96)

ARTICLE X: PARKING AND TRAFFIC

Sec. 2A.180. Department of Parking and Traffic—Functions and Duties.

SEC. 2A.180. DEPARTMENT OF PARKING AND TRAFFIC—FUNCTIONS AND DUTIES.

(a) The Department of Parking and Traffic shall be responsible for the day to day operation of the affairs placed under its jurisdiction, including but not limited to the following functions and operations:

- (1) Traffic signal maintenance;
- (2) Sign shops;
- (3) Authorization and administration of colored curb marking;
- (4) Enforcement of parking and traffic regulations;
- (5) Establishment, enforcement and administration of residential parking permit zones;
- (6) Meter planning, collection, coin counting and maintenance;
- (7) Off-street parking except at airports;
- (8) Parking ticket enforcement, parking control officers, parking offense towing, scofflaw programs, the sale of gift certificates for the payment for parking at City garages, the maintenance of information on the issuance and disposition of parking citations and maintenance of liaison with the municipal court;
- (9) Administration of the Interdepartmental Committee on Traffic and Transportation.

(b) The Department of Parking and Traffic shall have powers and duties relating to street traffic, subject to the laws relating thereto, as follows:

- (1) To cooperate with and assist the Police Department in the promotion of traffic safety education;
- (2) To receive, study and give prompt attention to complaints relating to street design or traffic devices or the absence thereof;

(3) To collect, compile, analyze and interpret traffic and parking data and to analyze and interpret traffic accident information;

(4) To engage in traffic research and traffic planning; and

(5) To cooperate for the best performance of these functions with any department and agency of the City and County and State as may be necessary.

(c) The department shall submit to the Traffic Bureau of the Police Department, for its review and recommendation, all proposed plans relating to street traffic-control devices; provided, however, that the Bureau may waive submission and review of plans and particular devices designated by it. Failure of the said Traffic Bureau to submit to the Department its recommendation on any proposed plan within 15 days after receipt shall be considered an automatic approval of said Traffic Bureau. The Department shall not, with respect to any traffic-control devices, implement such plan until the recommendation of the Traffic Bureau has been reviewed or until the 15-day period has elapsed. (Added by Ord. 439-96, App. 11/8/96; amended by Ord. 386-98, App. 12/24/98)

ARTICLE XI: PUBLIC WORKS

Sec. 2A.190. Department of Public Works.

SEC. 2A.190. DEPARTMENT OF PUBLIC WORKS.

(a) The Department of Public Works shall administer all capital improvement and construction projects, except projects solely under the Airport, Port, Public Utilities, Recreation and Park and Public Transportation Commissions.

(b) All examinations, plans, estimates and construction administration services required by the City and County in connection with any public improvements, exclusive of those made by the Airport, Port, Public Utilities, Recreation and Park and Public Transportation Commissions, shall be made by the Director of Public Works, and the Director shall, when requested to do so, furnish information and data for the use of the Board of Supervisors.

(c) The Director of Public Works shall designate a deputy or other employee as City Engineer. The City Engineer shall possess the same power in the City and County as is or may from time to time be given by law to city engineers, and the official acts of the City Engineer shall have the same validity and be of the same force and effect as are or may be given by law to those of city engineers.

(d) The Director of Public Works shall designate a deputy or other employee as County Surveyor. The County Surveyor shall possess the same power in the City and County in making surveys, plats and certificates as is or may from time to time be given by law to county surveyors, and the official acts and all plats, surveys and certificates of the County Surveyor shall have the same validity and be of the same force and effect as are or may be given by law to those of county surveyors. (Added by Ord. 437-96, App. 11/8/96; amended by Ord. 118-00, File No. 000478, App. 6/2/2000; Ord. 284-04, File No. 041335, App. 12/14/2004)

ARTICLE XII: EMERGENCY COMMUNICATIONS

Sec. 2A.200. Department of Emergency Communications.

SEC. 2A.200. DEPARTMENT OF EMERGENCY COMMUNICATIONS.

(a) **Department of Emergency Communications; Director.** There is hereby created a Department of Emergency Communications. The Mayor shall appoint a Director of Emergency Communications who shall serve as Department head and appointing officer for the Department. The Director shall serve at the pleasure of the Mayor. The Department shall include such officers and employees as are authorized pursuant to the budgetary and fiscal provisions of the Charter.

(b) **Construction Phase.** The Director of Emergency Communications shall be the Project Director for the E-911 Project and shall be responsible for constructing and equipping the City and County's Combined Emergency Communications Center and related systems (also referred to as "the 911 communications system facility"). The Director may appoint a deputy Department head to plan the operations of the Combined Emergency Communications Center and related systems. The Director shall certify the completion of the Center and related systems to the Mayor, the Board of Supervisors, the Chief of Police, the Fire Chief and the Director of the Department of Public Health.

(c) **Operations Phase.** Upon its completion, the Director of Emergency Communications shall manage the Combined Emergency Communications Center and related systems, and shall direct all operations related to taking calls from members of the public seeking emergency police, fire and medical assistance and related to the dispatch of emergency police, fire and medical services. The Director shall have sufficient professional training and/or experience to manage the operations of the Combined Emergency Communications Center and related systems.

(d) **Transfer of Functions.** All City and County programs and staff related to emergency services call-taking and dispatch shall be transferred to the Department of Emergency Communications. The duties imposed on the Director of Emergency Communications by Subsection (c) and the transfer of programs and staff to the Department of Emergency Communications shall be effective upon the date the Director certifies the completion of the E-911 Project pursuant to Subsection (b). (Added by Ord. 286-98, App. 9/18/98)

**ARTICLE XIII: PUBLIC GUARDIAN; CONSUMER ASSURANCE,
REGULATORY COMPLIANCE, AND AGRICULTURAL STANDARDS**

- Sec. 2A.210. Public Guardian Designated—
Qualification for Services.
- Sec. 2A.211. Attorney for Public Guardian.
- Sec. 2A.211-A. Public Administrator/Public
Guardian Representative Payee
Program.
- Sec. 2A.212. Administrative Officer for
Veterans' Internment Designated.
- Sec. 2A.221. Consolidation of Duties of
the County Agricultural
Commissioner and the Sealer
of Weights and Measures.

**SEC. 2A.210. PUBLIC GUARDIAN
DESIGNATED—QUALIFICATION FOR
SERVICES.**

(a) Pursuant to the provisions of Section 27432 of the Government Code of the State of California, the Public Administrator is hereby designated ex officio Public Guardian.

(b) Neither the amount of funds, nor value of an estate, of any person who qualifies for the services of the Public Guardian under Section 2900 of the Probate Code of the State of California may serve as the basis for determining whether the Public Guardian will make application for appointment as guardian of such person pursuant to said section. (Amended by Ord. 281-81, App. 5/29/81; Ord. 70-00, File No. 000357, App. 4/28/2000)

**SEC. 2A.211. ATTORNEY FOR PUBLIC
GUARDIAN.**

The attorney for the Public Administrator shall be the attorney for the ex officio Public Guardian. (Added by Ord. 383-60, App. 7/19/60; amended by Ord. 70-00, File No. 000357, App. 4/28/2000)

**SEC. 2A.211-A. PUBLIC ADMINISTRATOR/
PUBLIC GUARDIAN REPRESENTATIVE
PAYEE PROGRAM.**

(a) **Findings.** The Board of Supervisors finds that there are residents of the City and County of San Francisco who are recipients of Social Security Administration benefits, Department of Veteran's Affairs benefits, General Assistance, and other income from public and private sources who are unable to manage such income to their best advantage.

There are also residents of the City and County of San Francisco who are denied the payment of Social Security Administration benefits, Department of Veteran's Affairs benefits, General Assistance, and other income from public and private sources because of mental and/or physical disability who would benefit from assistance in applying for and managing funds.

Therefore, the Board of Supervisors authorizes the Public Administrator-Public Guardian, pursuant to permission of the client, to receive, manage, and disburse income and benefits from public and private sources for those persons who receive such aid, but are unable to manage their funds.

And, further, that the Public Administrator-Public Guardian is authorized, pursuant to permission of the client, to provide assistance in applying for public and private resources to which the client may be entitled, but which are withheld or not paid because of a determination from the funding source that the recipient is incapable of managing such funds.

(b) **Public Guardian Representative Payee Program.** There shall be a program called the Public Guardian Representative Payee Program (hereinafter, "Program") created in the Office of the Public Administrator-Public Guardian. Upon agreement with the client, the Program may provide the following services:

(1) Collect and deposit entitlement checks and other income into accounts managed by the Public Administrator-Public Guardian.

(2) Redirect the client's bills including, but not limited to, rent and utility bills to the Program and pay these bills with the client's funds.

(3) Make disbursements from the client's share of funds for the client's personal needs.

(c) **Refunds.** Upon discharge or withdrawal from the Program, any and all amounts on deposit in the name of the client shall be refunded to him or her, or the succeeding fiduciary, if applicable.

(d) **Records.** The Public Administrator-Public Guardian shall cause full, true and correct records to be maintained, on a current basis, regarding the receipt and disbursement of all moneys belonging to any such client on deposit in accounts managed by the Public Administrator-Public Guardian. Clear and current records must be maintained showing all credits to and debits from the account for each individual client, as well as each client's current share and balance in the account.

(e) **Fiduciary.** The Public Administrator-Public Guardian shall keep records as befits a fiduciary entrusted with a client's funds (Added by Ord 312-00, File No. 001907, App 12/28/2000)

SEC. 2A.212. ADMINISTRATIVE OFFICER FOR VETERANS' INTERMENT DESIGNATED.

The Coroner is hereby designated as Administrative Officer to arrange for the decent interment of veterans and veterans' widows pursuant to the provisions of Division 4, Chapter 5, Article 2 (beginning with Section 940) of the Military and Veterans Code of the State of California (Added by Ord 124-61, App. 6/1/61, amended by Ord 70-00, File No. 000357, App. 4/28/2000)

Sec. 2A.220

(Added by Ord. 186-99, File No. 990334, App 7/1/99, amended by Ord. 70-00, File No. 000357, App. 4/28/2000, repealed by Ord. 187-04, File No. 040759, App. 7/22/2004)

SEC. 2A.221. CONSOLIDATION OF DUTIES OF THE COUNTY AGRICULTURAL COMMISSIONER AND THE SEALER OF WEIGHTS AND MEASURES.

The duties of the County Agricultural Commissioner and the Sealer of Weights and Measures are hereby consolidated and the County Agricultural Commissioner in addition to the duties of that office shall succeed to the duties of the Sealer of Weights and Measures. The Director of the Department of Public Health shall appoint the County Agricultural Commissioner-Sealer of Weights and Measures. (Added by Ord. 108-72, App. 4/26/72, amended by Ord. 70-00, File No. 000357, App. 4/28/2000; Ord. 187-04, File No. 040759, App. 7/22/2004)

ARTICLE XIV: CITY ATTORNEY

Sec. 2A.230 Enforcement of Local Laws.

Sec. 2A.231. Enforcement of State Law.

SEC. 2A.230. ENFORCEMENT OF LOCAL LAWS.

In investigating any matter where the San Francisco Charter or any ordinance of the City and County grants to the City Attorney the duty or power to seek enforcement of any provision of the Charter or any ordinance, the City Attorney shall have the power to inspect, upon reasonable notice, all documents required to be maintained under Government Code Sections 84100 et seq., Government Code Sections 86100 et seq., San Francisco Campaign and Governmental Conduct Code Sections 1.100 et seq., and San Francisco Campaign and Governmental Conduct Code Sections 2.100 et seq. The City Attorney shall also have the power to subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items relevant to the performance of the City Attorney's enforcement duties or powers.

The City Attorney shall also have these powers in investigating any matter where the San Francisco Charter or any ordinance of the City and County of San Francisco grants to the City Attorney the duty or power to act as the civil prosecutor with respect to any provision of the Charter or any ordinance or to institute a civil action for violation of any such provision. The City Attorney may exercise these inspection and subpoena powers prior to the filing of any civil or administrative action. (Added by Ord. 319-95, App. 10/13/95; amended by Ord. 70-00, File No. 000357, App. 4/28/2000)

SEC. 2A.231. ENFORCEMENT OF STATE LAW.

Unless otherwise prohibited by State law, in investigating any matter where State law grants to the City Attorney the duty or power to seek enforcement of any provision of State law, the City Attorney shall

have the power to inspect, upon reasonable notice, all documents required to be maintained under Government Code Sections 84100 et seq., Government Code Sections 86100 et seq., San Francisco Campaign and Governmental Conduct Code Sections 1.100 et seq., and San Francisco Campaign and Governmental Conduct Code Sections 2.100 et seq. The City Attorney shall also have the power to subpoena witnesses, compel their attendance and testimony, administer oaths and affirmations, take evidence and require by subpoena the production of any books, papers, records or other items relevant to the performance of the City Attorney's enforcement duties or powers.

The City Attorney shall also have these powers in investigating any matter where State law grants to the City Attorney the duty or power to act as the civil prosecutor with respect to any provision of the State law or to institute a civil action for violation of any State law. The City Attorney may exercise these inspection and subpoena powers prior to the filing of any civil or administrative action. (Added by Ord. 319-95, App. 10/13/95; amended by Ord. 70-00, File No. 000357, App. 4/28/2000)

ARTICLE XV: DEPARTMENT OF CHILDREN, YOUTH, AND THEIR FAMILIES

Sec. 2A.232. Department of Children, Youth, and their Families

SEC. 2A.232. DEPARTMENT OF CHILDREN, YOUTH, AND THEIR FAMILIES.

(a) **Department of Children, Youth, and their Families; Director.** There shall be a Department of Children, Youth, and their Families. The Mayor shall appoint a Director who shall serve as Department head and appointing officer for the Department. The Director shall serve at the pleasure of the Mayor. The Department shall include such officers and employees as are authorized pursuant to the budgetary and fiscal provisions of the Charter.

(b) **Duties and Functions.** The Department shall be responsible for promoting the development of comprehensive programs, policies and planning strategies to enhance services for children, youth and their families; and:

(1) The Department shall assist the Mayor in preparation and implementation of the Children Services Plan and Fund as described in Charter Section 16.108.

(2) (A) Beginning after July 1, 2001, the Department shall report to the Board of Supervisors in the Community Needs Assessments required by Charter Section 16.108:

(i) The number of male and female minors served by recipients of the Children's Fund grants;

(ii) The comparative monetary value of the expenditure of Children's Fund moneys on male and female minors, based on the information collected in Subsection (b)(2)(A)(i); and

(iii) To the extent data are available, the Department shall calculate the percentage of San Francisco's population of female minors who are served by the Children's Fund and the percentage of San Francisco's population of male minors who are served by the Children's Fund.

(B) Provisions of this Subsection shall take effect only if Proposition D on the November, 2000, ballot is enacted.

(3) Pursuant to Section 86.1 of the San Francisco Administrative Code, the Department shall provide office space, administrative support, and other services for the Children and Families Commission and its Department, as specified in a Memorandum of Understanding between the Department and the Children and Families Commission.

(4) Pursuant to Section 5.200 of the San Francisco Administrative Code, the Department shall provide administrative support for the San Francisco Child Care Planning and Advisory Council.

(5) The Department shall have such other duties and functions as are assigned by Charter or ordinance. (Added by Ord. 295-00, File No. 001761, App. 12/22/2000)

ARTICLE XVI: SMALL BUSINESS COMMISSION

Sec. 2A.240. Small Business Commission;
Powers and Duties.

SEC. 2A.240. SMALL BUSINESS COMMISSION; POWERS AND DUTIES.

(a) The Small Business Commission shall:

1. Formulate and evaluate goals, objectives, plans, and programs and set policies for the City regarding small businesses, consistent with any overall objectives established by the Mayor and the Board of Supervisors through the adoption of legislation, in order to promote the economic health of the small business community in San Francisco, its employees, and its customers;

2. Develop and keep current an annual statement of purpose outlining its areas of jurisdiction, authorities, purpose and goals, subject to review and approval by the Mayor and the Board of Supervisors;

3. Recommend to the Mayor for submission to the Board of Supervisors rates, fees and similar charges with respect to appropriate items coming within its jurisdiction;

4. Prepare and recommend to the Mayor an annual budget for the Commission's activities;

5. Oversee grants and programs concerning and benefiting small businesses and neighborhood business districts;

6. Review all legislation affecting small businesses and make recommendations to the Board of Supervisors;

7. Review rules and regulations adopted by City departments that affect small businesses and recommend modifications that would promote the health of small businesses;

8. Collect and analyze information about the small business economy in San Francisco, as well as conduct investigations under its power of inquiry into any aspect of governmental operations affecting small businesses, including holding hearings and taking testimony, and make recommendations to the Mayor or the Board of Supervisors; and

(b) The Commission may adopt such rules and regulations consistent with the provisions of this Section as are necessary for the conduct of its business. Such rules and regulations shall be available for public review and comment for 10 days before they are finally adopted by the Commission. (Added by Ord. 33-04, File No. 030423, App. 3/19/2004)

ARTICLE XVII: DEPARTMENT OF THE MEDICAL EXAMINER

Sec. 2A.250. Office of the Chief Medical Examiner.

SEC. 2A.250. OFFICE OF THE CHIEF MEDICAL EXAMINER.

(a) **The Office of the Chief Medical Examiner.** There shall be an Office of the Chief Medical Examiner. The City Administrator with the concurrence of the Mayor, shall appoint and may remove a Chief Medical Examiner who shall meet the qualifications for Chief Medical Examiner as provided by state law. The Chief Medical Examiner shall serve as department head and appointing officer for the Office, and shall succeed to all of the duties of the Coroner. The Office Department shall include such officers and employees as are authorized pursuant to the budgetary and fiscal provisions of the Charter.

(b) **Duties and Functions.** The Office of the Chief Medical Examiner Department shall be responsible for the duties of the Medical Examiner as provided by state law, and such other duties and functions as assigned pursuant to the Charter or by ordinance. (Added by Ord. 206-04, File No. 040760, App. 8/5/2004; amended by Ord. 131-05, File No. 050497, App. 6/30/2005)

ARTICLE XVIII: DEPARTMENT OF CONVENTION FACILITIES

Sec. 2A.260. Department of Convention
Facilities.

SEC. 2A.260. DEPARTMENT OF CONVENTION FACILITIES.

(a) **Department of Convention Facilities.** There shall be a Department of Convention Facilities. The City Administrator with the concurrence of the Mayor, shall appoint and may remove a Director who shall serve as department head and appointing officer for the Department. The Department shall include such officers and employees as are authorized pursuant to the budgetary and fiscal provisions of the Charter.

(b) **Duties and Functions.** The Department shall be responsible for the management and administration of City-owned or operated convention facilities, and such other duties and functions as assigned pursuant to the Charter or by ordinance. (Added by Ord. 205-04, File No. 040755, App. 8/5/2004)

ARTICLE XIX: ECONOMIC AND WORKFORCE DEVELOPMENT DEPARTMENT

Sec. 2A.270. Economic and Workforce
Development Department.

SEC. 2A.270. ECONOMIC AND WORKFORCE DEVELOPMENT DEPARTMENT.

(a) **Economic and Workforce Development Department.** There shall be an Economic and Workforce Development Department. The Mayor shall appoint a Director who shall serve as department head and appointing officer for the Department. The Director shall serve at the pleasure of the Mayor. The Department shall include such officers and employees as are authorized pursuant to the budgetary and fiscal provisions of the Charter.

(b) **Duties and Functions.** The Department shall be responsible for economic and workforce development, including, among other things:

- (1) attracting, retaining and assisting businesses;
- (2) strengthening the economic vitality of neighborhoods and commercial corridors;
- (3) restoring contaminated sites to productive reuse ("brownfields");
- (4) fostering international trade;
- (5) developing and implementing workforce development and jobs training programs;
- (6) coordinating major City projects, including public-private partnerships and military base conversions;
- (7) administering the City's public debt and related public finance matters; and
- (8) such other duties and functions as assigned pursuant to the Charter or by ordinance. (Added by Ord. 183-04, File No. 040746, 7/22/2004)

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**CHAPTER 2B: ASSESSMENT APPEALS BOARDS
(TAX APPEAL BOARDS)**

CHAPTER 2B: ASSESSMENT APPEALS BOARD (TAX APPEAL BOARDS)

- Sec. 2B.1. Boards Created.
- Sec. 2B.2. Designation.
- Sec. 2B.3. Board Membership and Selection.
- Sec. 2B.4. Duty of Boards.
- Sec. 2B.5. Compensation of Board Members.
- Sec. 2B.6. Board Composition and Board Quorum.
- Sec. 2B.7. Clerk of the Board.
- Sec. 2B.8. Tax Appeals Board.
- Sec. 2B.9. Filing Fee.
- Sec. 2B.10. Hearing Fee.
- Sec. 2B.11. Fee for Findings of Fact.
- Sec. 2B.12. Reference to Other Statutes.
- Sec. 2B.13. Duties and Operations.
- Sec. 2B.14. Hearing Officers.
- Sec. 2B.15. Conduct of Hearings.
- Sec. 2B.16. Hearing Officer Report.
- Sec. 2B.17. Transmittal of Report and Recommendation.
- Sec. 2B.18. Acceptance or Rejection of Recommendation.
- Sec. 2B.20. Hearing Procedures.
- Sec. 2B.21. Production and Inspection Demand Procedures.
- Sec. 2B.22. Pre-hearing Conference.

SEC. 2B.1. BOARD CREATED.

Pursuant to Section 16 of Article XIII of the California State Constitution three Assessment Appeals Boards are hereby created. (Added by Ord. 37-67, App. 1/31/67; amended by Ord. 393-98; Ord. 273-99, File No. 990406, App. 10/27/99)

SEC. 2B.2. DESIGNATION.

The Assessment Appeals Boards hereby created shall be designated Assessment Appeals Board No. 1, Assessment Appeals Board No. 2, and Assessment Appeals Board No. 3. (Added by Ord. 37-67, App. 1/31/67; amended by Ord. 393-98, App. 1/24/98; Ord. 273-99, File No. 990406, App. 10/27/99)

SEC. 2B.3. BOARD MEMBERSHIP AND SELECTION.

(a) Assessment Appeals Board No. 1 and Assessment Appeals Board No. 2 shall each consist of five regular members and three alternate members who shall be selected in the manner described in Subsections (b), (c) and (d). In addition, the regular members of Assessment Appeals Board No. 2 shall also serve as and, except as provided in Section 2B.14(b), shall be entitled to the priorities extended to alternate members of Assessment Appeals Board No. 1. Assessment Appeals Board No. 3 shall consist of five regular members. The regular members of Assessment Appeals Board No. 1 shall serve ex officio as the regular members of Assessment Appeals Board No. 3 concurrent with their service on Assessment Appeals Board No. 1.

(b) Pursuant to Sections 1622.1 and 1623.1 of the California Revenue and Taxation Code, the Board of Supervisors hereby elects to appoint directly the regular and alternate members of the Assessment Appeals Boards.

(c) No person shall be eligible for appointment as a regular or alternate member of Assessment Appeals Board No. 1 or Assessment Appeals Board No. 2 unless he or she meets the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code. This Subsection (c) shall not apply to any individual who was a regular or alternate member of the Assessment Appeals Boards on or before September 1, 1998 and who is reappointed to his or her same seat.

(d) No person may concurrently hold a seat on Assessment Appeals Board No. 1 and a seat on Assessment Appeals Board No. 2.

(e) Subject to Sections 1623(d) and (e) of the California Revenue and Taxation Code, the terms of regular and alternate members of the Assessment Appeals Boards shall be three years, expiring at 12:01 a.m. on the first Monday in September of the third year. (Amended Ord. 110-68, App. 5/1/68; Ord. 82-94, App. 2/25/94; Ord. 393-98, App. 12/24/98; Ord. 273-99, File No. 990406, App. 10/27/99)

Sec. 2B.3.1.

(Added by Ord. 393-98, App. 12/24/98; amended by Ord. 273-99, File No. 990406, App. 10/27/99)

Editor's note:

Section 2B.3.1 expired according to its terms on September 30, 2001.

SEC. 2B.4. DUTY OF BOARDS.

It shall be the duty of each Assessment Appeals Board to equalize the valuation of the taxable property within the City and County for the purposes of taxation in the manner and subject to the limitations contained in Article XIII of the California State Constitution. (Added by Ord. 37-67, App. 1/31/67; amended by Ord. 393-98, App. 12/24/98; Ord. 273-99, File No. 990406, App. 10/27/99)

SEC. 2B.5. COMPENSATION OF BOARD MEMBERS.

The compensation of regular and alternate members of the Assessment Appeals Boards shall be \$100 for each one-half day of service on any Board. (Added by Ord. 37-67, App. 1/31/67; amended by Ord. 82-94, App. 2/25/94; Ord. 393-98, App. 12/24/98; Ord. 273-99, File No. 990406, App. 10/27/99)

[Section 2B.6 begins on page 81]

SEC. 2B.6. BOARD COMPOSITION AND BOARD QUORUM.

(a) The Assessment Appeals Board shall hold joint meetings from time to time for the purpose of proposing rules and regulations to the Board of Supervisors to govern the operation of the Assessment Appeals Boards. Such joint meetings shall be held before the five regular members of Assessment Appeals Board No. 1 and the five regular members of Assessment Appeals Board No. 2. The attendance by three regular members of Assessment Appeals Board No. 1 and three regular members of Assessment Appeals Board No. 2 shall constitute a quorum for such meetings.

(b) Except as provided in Subsection (a), each Assessment Appeals Board shall act separately and only as three-member panels designated by the Clerk in the manner described in Subsection (d). The attendance by two members of any designated Assessment Appeals Board three-member panel shall constitute a quorum for the transaction of business.

(c) Except as provided by Title 18 California Code of Regulations Rule 310, no act of the joint Boards or a three-member panel of a Board shall be valid or binding unless approved by a majority of all the members of the applicable body.

(d) Subject to California Revenue and Taxation Code Section 1622.5 and Title 18 of the California Code of Regulations Rule 311, the Clerk shall designate three-member panels to transact the business of the Assessment Appeals Boards, as set forth in Subsection (b), using a rotating system designed to assure that all members with the same priority level, as described in this subsection, have an equal opportunity over time to participate as panelists.

(1) This Subsection (d)(1) shall govern the panel selection for any application for reduction that concerns (a) real property located all or in a part within Assessor's Blocks 1 through 876, inclusive, or Assessor's Blocks 3701 through 3899, inclusive, (b) a possessory interest, or (c) property on the secured or unsecured roll assessed at \$20,000,000 or more. The Clerk shall assign any such application to either Assessment Appeals Board No. 1 or Assessment Appeals Board No. 3. For cases governed by this Subsection (d)(1) that are assigned Assessment Appeals Board No. 1, the Clerk shall designate three panelists from among the members in the following

priority order: (a) the regular members of Assessment Appeals Board No. 1 who meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; (b) the regular members of Assessment Appeals Board No. 1 who do not meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; (c) the alternate members of Assessment Appeals Board No. 1 (including the regular members of Assessment Appeals Board No. 2) who meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; (d) the alternate members of Board No. 1 (including the regular members of Assessment Appeals Board No. 2) who do not meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; and (e) the alternate members of Assessment Appeals Board No. 2 who meet the eligibility criteria in Section 1624.05 of the California Revenue and Taxation Code. For cases governed by this Subsection (d)(1) that are assigned to Assessment Appeals Board No. 3, the Clerk shall assign three panelists from among the members in the following priority order: (a) the regular members of Assessment Appeals Board No. 3 who meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; (b) the regular members of Assessment Appeals Board No. 3 who do not meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; (c) the alternate members of Assessment Appeals Board No. 1 (including the regular members of Assessment Appeals Board No. 2) who meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; (d) the alternate members of Board No. 1 (including the regular members of Assessment Appeals Board No. 2) who do not meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code; and (e) the alternate members of Assessment Appeals Board No. 2 who meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code.

(2) For any matter to be heard by Assessment Appeals Board No. 1 that is not governed by Subsection (d)(1), the Clerk shall designate three panelists from among the members in the following priority order: (a) the regular members of Assessment Appeals Board No. 1; (b) the alternate members of

Assessment Appeals Board No. 1 (including the regular members of Assessment Appeals Board No. 2); and (c) the alternate members of Assessment Appeals Board No. 2.

(3) For any matter to be heard by Assessment Appeals Board No. 3 that is not governed by Subsection (d)(1), the Clerk shall designate three panelists from among the members in the following priority order: (a) the regular members of Assessment Appeals Board No. 3; (b) the alternate members of Assessment Appeals Board No. 1 (including the regular members of Assessment Appeals Board No. 2); and (c) the alternate members of Assessment Appeals Board No. 2.

(4) For any application for reduction to be heard by Assessment Appeals Board No. 2, the Clerk shall designate three panelists from among the members in the following priority order: (a) the regular members of Assessment Appeals Board No. 2; (b) the alternate members of Assessment Appeals Board No. 2; (c) the alternate members of Assessment Appeals Board No. 1; and (d) the regular members of Assessment Appeals Board No. 1. (Added by Ord. 37-67, App. 1/31/67; amended by Ord. 393-98, App. 12/24/98; Ord. 273-99, File No. 990406, App. 10/27/99)

SEC. 2B.7. CLERK OF THE BOARD.

"The Clerk," as used in this Chapter, shall mean the Clerk of the Board of Supervisors or his or her designee. The Clerk shall function as both the Clerk and the Administrator of the Assessment Appeals Boards and to any assessment hearing officers. The Clerk shall perform those duties prescribed for the Clerk of the Assessment Appeals Board in Article 1.5 (commencing with Section 1620) of Chapter 1, Part 3, Division 1 of the California Revenue and Taxation Code, and shall: (1) appoint, subject to the civil service provisions of the Charter, all employees in the department of the Board of Supervisors who are to perform any duties in connection with the Assessment Appeals Boards' or assessment hearing officers' proceedings; (2) fix the time and place of sessions of the Assessment Appeals Boards' and assessment hearing officers' proceedings; (3) calendar all petitions or applications to be heard by the Assessment Appeals Boards and hearing officers, and notify all parties of the time and place fixed for such hearings; (4) assign applications for reduction to the Assessment Appeals

Boards and designate three-member panels to transact the business of the Assessment Appeals Boards as described in Sections 2B.6 and 2B.13 of this Chapter; and (5) designate hearing officers as described in Section 2B.14 of this Chapter. (Added by Ord. 37-67, App. 1/31/67; amended by Ord. 393-98, App. 12/24/98; Ord. 273-99, File No. 990406, App. 10/27/99)

SEC. 2B.8. TAX APPEALS BOARD.

All references in this code or other ordinances, resolutions or official records and documents to the Tax Appeals Board shall mean the Assessment Appeals Boards. (Added by Ord. 132-68, App. 5/16/68; amended by Ord. 393-98, App. 12/24/98)

SEC. 2B.9. FILING FEE.

An applicant for a refund shall pay a \$30 nonrefundable processing fee to the Assessment Appeals Board at the time of filing an application with the Board. An applicant shall pay a separate filing fee for each application filed. The filing fee shall be waived where:

(a) The applicant would qualify for a waiver of court fees and costs pursuant to California Government Code Section 68511.3; or

(b) (1) The application is accompanied by a stipulation pursuant to Revenue and Taxation Code Section 1607 signed by the Assessor, the applicant, and the City Attorney.

(2) The applicant requests a reduction for the tax year following a tax year for which the Assessment Appeals Board has reduced the assessed value at the time of filing the application for the subsequent tax year, and

(3) The applicant's opinion of value is not less than the value determined by the Board for the prior year plus any automatic increases allowed by law. (Added by Ord. 82-94, App. 2/25/94, amended by Ord. 206-95, App. 6/16/95)

SEC. 2B.10. HEARING FEE.

(a) Where an application is not withdrawn at least 30 days prior to the date on which an Assessment Appeals Board has scheduled the application for hearing, at least 30 days prior to the hearing date the applicant shall pay a hearing fee to the Assessment Appeals Board in accordance with the following schedule:

Where the property affected by the application is valued on the current assessment role at:

	Fee
\$ 250,000 or less	No Charge
250,001 — 2,000,000	\$ 50.00
2,000,001 — 10,000,000	100.00
10,000,001 — 20,000,000	250.00
20,000,001 — 50,000,000	400.00
50,000,001 — 100,000,000	600.00
More than \$100,000,000	1,200.00

(b) Where an applicant files two or more applications at the same time affecting the same appraisal unit for the same tax year, the applicant shall be liable for a single hearing fee based on the sum of the current assessment role values of all property contained in the appraisal unit.

(c) Revenues generated by the filing fees shall be used exclusively to pay for the Assessment Appeals Boards' costs of operation.

(d) One-half of the hearing fee shall be refunded to any applicant where the assessor's value is lowered to the applicant's opinion of value as stated in the initial application filed with the Assessment Appeals Board or by 30 percent or more of the assessor's value following the hearing. No hearing fee will be refunded unless the applicant applies to the Board for a refund in writing within 30 days following receipt of the Board's decision.

(e) The hearing fee shall be waived if the application concerns residential property and the applicant elects to have the appeal heard by a hearing officer pursuant to Sections 2B.14 through 2B.18 of this Chapter. If the applicant subsequently applies for a hearing before the Assessment Appeals Board pursuant to Section 2B.18 of this Chapter, the applicant shall pay the hearing fee required by this Section. However, if the assessor subsequently applies for a hearing, the applicant shall not be required to pay the hearing fee.

(f) The hearing fee shall be waived where the applicant would qualify for a waiver of court fees and costs pursuant to California Government Code Section 68511.3. (Added by Ord. 82-94, App. 2/25/94; amended by Ord. 398-94, App. 11/23/94; Ord. 206-95, App. 6/16/95; Ord. 393-98, App. 12/24/98)

SEC. 2B.11. FEE FOR FINDINGS OF FACT.

(a) The fee payable to the Assessment Appeals Board to prepare findings of fact pursuant to California Revenue and Taxation Code Section 1611.5 shall be in accordance with the following schedule:

Where the property affected by the application is valued on the current assessment role at:	Fee
\$ 0 — \$1,000,000	\$ 100.00
1,000,001 — 2,000,000	125.00
2,000,001 — 5,000,000	150.00
5,000,001 — 10,000,000	500.00
10,000,001 — 20,000,000	750.00
More than \$20,000,000	1,000.00

(b) Where an applicant files two or more applications at the same time affecting the same appraisal unit for the same tax year, the applicant shall be liable for a single findings of fact fee based on the sum of the current assessment roll values of all property contained in the appraisal unit.

(c) Revenues generated by the findings fees shall be used exclusively to pay the Assessment Appeals Boards' operating costs. Where the City Attorney assists a Board in preparing findings of fact, the revenues from the findings fee shall be paid to the City Attorney based on the actual amount of time expended by the City Attorney in advising the Board with respect to the findings. (Added by Ord. 82-94, App. 2/25/94; amended by Ord. 398-94, App. 11/23/94; Ord. 393-98, App. 12/24/98)

SEC. 2B.12. REFERENCE TO OTHER STATUTES.

Whenever this ordinance refers to a provision of the California Constitution or a State statute or administrative regulation, that reference shall be read to incorporate the law at the time this ordinance was adopted and any subsequent amendments to the law. (Added by Ord. 82-94, App. 2/25/94; amended by Ord. 393-98, App. 12/24/98)

SEC. 2B.13. DUTIES AND OPERATIONS.

(a) Assessment Appeals Board No. 1 and Assessment Appeals Board No. 3 shall have

jurisdiction to hear applications for reduction affecting any property on the secured or unsecured rolls without limitation.

(b) Assessment Appeals Board No. 2 shall have jurisdiction to hear applications for reduction only for property on the secured or unsecured rolls assessed at less than \$20,000,000, excluding applications involving possessory interests or real property located all or in part within Assessor's Blocks 1 through 876, inclusive, or Assessor's Blocks 3701 through 3899, inclusive. (Added by Ord. 82-94, App. 2/25/94; amended by Ord. 398-94, App. 11/23/94; Ord. 206-95, App. 6/16/95; Ord. 393-98, App. 12/24/98; Ord. 273-99, File No. 990406, App. 10/27/99)

SEC. 2B.14. HEARING OFFICERS.

(a) Pursuant to Article 1.7 (commencing with Section 1636) of Chapter 1, Part 3, Division 1 of the California Revenue and Taxation Code, all regular and alternate members appointed to Assessment Appeals Board No. 1 and Assessment Appeals Board No. 2 are deemed concurrently appointed as assessment hearing officers. As provided by law and regulation, assessment hearing officers may conduct hearings on applications for reduction filed with the Assessment Appeals Boards and make recommendations to an Assessment Appeals Board concerning such applications.

(b) The Clerk shall designate members to act as hearing officers for particular applications using a rotating system designed to assure that all members with the same priority level, as described in this subsection, have an equal opportunity over time to participate as hearing officers. The Clerk shall designate hearing officers in the following priority order: (1) the alternate members of Assessment Appeals Board No. 2; (2) the alternate members of Assessment Appeals Board No. 1 who are not also regular members of Assessment Appeals Board No. 2; (3) the regular members of Assessment Appeals Board No. 2; and (4) the regular members of Assessment Appeals Board No. 1.

(c) In their capacity as assessment hearing officers, the officers shall serve at the pleasure of and by contract with the Board of Supervisors. For their work performed as assessment hearing officers, the officers shall be compensated at the same rate provided in Section 2B.5 of this Chapter for Assessment

Appeals Board members. (Added by Ord. 82-94, App. 2/25/94; amended by Ord. 86-96, App. 3/1/96; Ord. 393-98, App. 12/24/98)

SEC. 2B.15. CONDUCT OF HEARINGS.

(a) Hearings before an assessment hearing officer appointed under Section 2B.13 of this Chapter shall be conducted pursuant to the provisions of Article 1.7 (commencing with Section 1636) of the California Revenue and Taxation Code.

(b) An assessment hearing officer may conduct hearings on applications where (1) the applicant is the assessee and has filed an application for reduction in accordance with applicable law, and (2) the property under consideration is a single-family dwelling condominium or cooperative, or a multiple-family dwelling of four units or less, and (3) the applicant has requested that the hearing be held before an assessment hearing officer. The Clerk shall inform applicants of their right to elect a hearing before a hearing officer. (Added by Ord. 82-94, App. 2/25/94)

SEC. 2B.16. HEARING OFFICER REPORT.

Pursuant to Section 1639 of the Revenue and Taxation Code, the hearing officer shall prepare a summary report of the proceedings together with a recommendation on the application and shall transmit this report and recommendation to the Clerk of the Board of Supervisors. (Added by Ord. 82-94, App. 2/25/94)

SEC. 2B.17. TRANSMITTAL OF REPORT AND RECOMMENDATION.

Pursuant to Section 1640.1 of the California Revenue and Taxation Code, the Clerk shall transmit by mail to the applicant and to a designated Assessment Appeals Board the hearing officer's report and recommendation on the application. The applicant shall be informed that the Assessment Appeals Board is not bound by the recommendation of the assessment hearing officer and that he or she or the assessor is entitled to a full hearing before the Assessment Appeals Board. (Added by Ord. 82-94, App. 2/25/94)

SEC. 2B.18. ACCEPTANCE OR REJECTION OF RECOMMENDATION.

(a) The protesting party or the assessor may, within 14 days after mailing of the hearing officer's

report and recommendation, make application for a hearing before the Assessment Appeals Board, and the application shall be set for hearing by the Assessment Appeals Board. The Board may consider, but shall not be bound by, the recommendation of the assessment hearing officer.

(b) If no application for a hearing is filed within 14 days of mailing of the hearing officer's report and recommendation, pursuant to Section 1641.1 of the California Revenue and Taxation Code, the Assessment Appeals Board shall, without further testimony, accept the recommendation and make any necessary change in the assessed value in accordance with Section 1610.8 of the Revenue and Taxation Code. (Added by Ord. 82-94, App. 2/25/94; amended by Ord. 206-95, App. 6/16/95)

SEC. 2B.20. HEARING PROCEDURES.

Each assessment Appeals Board created pursuant to this Chapter shall:

(a) In addition to complying with notice and procedural requirements of the Revenue and Taxation Code and the California Code of Regulations, provide notice of all meetings, including deliberations, and post agendas as if Assessment Appeals Boards were subject to the Brown Act and the Sunshine Ordinance. The agendas shall list each application including the address of the property, the purpose of the hearing, the current assessment, and applicant's opinion of value.

(b) Allow public comment on each assessment appeal to be heard by an Assessment Appeals Board. Public comment shall be received at the time an appeal is called for hearing. The agenda for each meeting of an Assessment Appeals Board shall bear the following notice:

Under the California Constitution and applicable statutes, hearings of assessment appeals boards are judicial proceedings. The decisions of assessment appeals boards must be based exclusively on properly admitted evidence. Assessment appeals boards may not base any factual determinations necessary for their decisions on anything other than the aforementioned evidence. Information presented through public

comment unless properly admitted into evidence in compliance with the Revenue and Taxation Code and of the Property Tax Rules of the State board of Equalization is not evidence upon which assessment appeals boards may base findings.

(c) Conduct all hearings, deliberations, and other business including closed sessions as authorized by law, at duly noticed meetings, with notice afforded to all members of the Board. Take decisions only through the actions of members present at such meetings. (Added by Ord. 353-96, App. 9/11/96)

SEC. 2B.21. PRODUCTION AND INSPECTION DEMAND PROCEDURES.

(a) To the end that proceedings before the Board move forward in a timely and efficient manner, the Applicant and the Assessor are expected to cooperate and communicate with each other prior to any hearing before the Board.

(b) The Applicant shall comply with any written request by the Assessor, pursuant to Revenue and Taxation Code section 441, for information, books and records, or inspections of the subject property that disclose acquisition or construction costs, income and expense data, construction details, or physical condition. When requested to do so in writing by the Assessor, the Applicant also shall disclose the basis or bases, whether due to damage, destruction, depreciation, obsolescence, removal of property, or other factors causing a decline in value, such as a changed physical environment, changed income and expense experiences and capitalization or yield rate expectations, or new market comparables events, which form or support the Applicant's opinion(s) of value set out in the application filed with the Clerk.

(c) On written request of the Applicant, the Assessor shall make available for inspection or copying any data or information that is kept or maintained by the Assessor about the subject property, as provided in Revenue and Taxation Code section 408, subdivisions (d), (e), and (f).

(d) The information requested by the Assessor or the Applicant shall be provided no later than thirty (30) calendar days from the date of the request unless another date is mutually agreed upon. Both parties

shall fully supplement their responses to information requests by 10 days before the hearing.

(e) Should the Applicant not comply with the requirements of the preceding subparagraphs (b) and (d) in a timely manner the Assessor may request and shall be granted a postponement for a reasonable period of time. The postponement shall extend the two-year period specified in Revenue and Taxation Code section 1604, subdivision (c), for a period of time equal to the period of the postponement. The period of time granted for the postponement shall be established at the discretion of the Board, taking into account the nature and amount of the information introduced, the Board's calendar assignments, the Assessor's caseload demands, and the schedules of the parties. If the board finds willful noncompliance with an information request on the part of the Applicant, the hearing will be convened as scheduled and the Applicant may comment on evidence presented by the Assessor but shall not be permitted to introduce other evidence unless the Assessor consents to such introduction. (Added by Ord. 85-04, File No. 040274, App. 5-20-2004)

SEC. 2B.22. PRE-HEARING CONFERENCE.

(a) The Board, on its own initiative or at the written request of the Assessor, Applicant or Applicant's agent, may direct the Clerk to set a pre-hearing conference. A request by the Assessor, Applicant or Applicant's agent shall identify the application(s) and reason(s) for the pre-hearing conference. The requesting party shall serve the written request on all parties to the proceedings by mail, in person, or by facsimile transmission and mail.

(b) The Clerk shall serve the Assessor and Applicant or Applicant's agent with written notice of the time, date, place, and reason(s) for the pre-hearing conference at least thirty (30) days before the pre-hearing conference in a manner specified in subsection (a).

The Assessor and Applicant or Applicant's agent may agree in writing to a pre-hearing conference with less than thirty (30) days advance notice.

(c) A three-member panel of the Board shall conduct the pre-hearing conference. At the discretion of the Board, one Board member may act as a pre-hearing conference hearing officer and preside over the pre-hearing conference.

(d) The pre-hearing conference is part of the formal assessment appeals process and the Applicant

or Applicant's agent must attend a properly noticed pre-hearing conference.

(1) If the Applicant fails to appear at the pre-hearing conference before a three-member panel of the Board, that failure may constitute abandonment of the case and provide grounds for denial of the application at that hearing. If the Applicant furnishes evidence of excusable good cause for the failure to appear or to make a timely request for postponement and files a written request for reconsideration within 30 days from the date of mailing of the denial due to lack of appearance the Board may reconsider the denial based on the information provided and may set aside the denial of the application for lack of appearance.

(2) If the Applicant fails to appear at the pre-hearing conference at which one Board member is acting as a hearing officer, the hearing officer may refer the application to the full Board for a failure to appear denial hearing. The Clerk shall serve the Assessor and Applicant or Applicant's agent with written notice of the time, date, and place for the failure to appear denial hearing at least thirty (30) days before the hearing in a manner specified in subsection (a). The Applicant may furnish evidence of excusable good cause for the failure to appear in writing prior to the hearing or at the hearing. Based on the evidence furnished by the Applicant the Board may reconsider the denial and may set aside the denial of the application for lack of appearance.

(e) The pre-hearing conference may be conducted to:

(1) determine the present status of the appeal and the time estimate for the hearing;

(2) identify non-controverted issues, consolidation of appeals, and bifurcation of issues;

(3) determine the status of exchange of information requests under Revenue and Taxation Code section 1606;

(4) determine the status or requests for information pursuant to Revenue and Taxation Code sections 441 and 408;

(5) issue subpoenas pursuant to Revenue and Taxation Code sections 1609.4 and 1609.5;

(6) address any other matters to expedite the hearing and resolution of the case; and

(7) issue any order or ruling permitted by law relative to the subject application(s). (Added by Ord. 85-04, File No. 040274, App. 5-20-2004)

CHAPTER 3: BUDGET PROCEDURES

CHAPTER 3: BUDGET PROCEDURES

- Sec. 3.1. Title.
- Sec. 3.2. Definitions.
- Sec. 3.3. Budget Timetable.
- Sec. 3.4. Introduction and Publication of Budget.
- Sec. 3.5. Long-Term Departmental and Agency Budget Planning—Setting Goals and Strategies, Developing Strategic Plans.
- Sec. 3.6. Three-Year Budget Projection.
- Sec. 3.7. Budget to be Accompanied by Legislation Containing All Proposed Fee and Revenue Increases Anticipated in the Proposed Budget; Complete Schedule of Existing Fees.
- Sec. 3.7-1. Replacing Grant-Funded Positions.
- Sec. 3.8. Public Hearings.
- Sec. 3.9. Transmission of Proposed Budget, Etc., to Committee; Committee's Return and Report.
- Sec. 3.10. Preparation and Submission of Administrative Provisions of Annual Salary Ordinance.
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- Sec. 3.13. Controller to Assist the Mayor and Board in Preparation of Budget.
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- Sec. 3.19A. Arts Commission Civic Design Review Fees.
- Sec. 3.20. Capital Expenditure Plan.
- Sec. 3.21. Capital Planning Committee.
- Sec. 3.24. Committee on Information Technology.
- Sec. 3.25. Three-Year Plans, Technical Aspects.
- Secs. 3.26 through 3.49. [Reserved]

SEC. 3.1. TITLE.

This Chapter, adopted pursuant to Section 9.100 of the Charter of 1996 shall be known as the Budget Process Ordinance of the City and County of San Francisco. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.2. DEFINITIONS.

As used in this Chapter, names and titles shall have the following meaning:

AGENCY. A unit of government subject to the appropriation powers of the Board of Supervisors such as the Parking Authority and the Redevelopment Agency. Also, a grouping of employees with a similar purpose or function or a portion of a department. For example, a subdivision of the Administrative Services Department could be designated as an agency for budget or fiscal control purposes.

APPOINTING OFFICER. The executive or elected head of a department or agency with the power to appoint, discipline or terminate employees under his or her supervision or control.

APPROPRIATION. Resources or expenditure authority made available by the Mayor and Board of Supervisors by ordinance to a department, agency, board or commission in furtherance of a public or statutory purpose.

BOARD. Public body created by Charter or ordinance of the Board of Supervisors with the ability to recommend the appointment of a chief executive for the function over which it exerts guidance. (See also, "Commission.")

BUDGET. The City and County's plan of financial operation for a given period of time embodying an estimate of all proposed expenditures and the proposed means of financing them.

COMMISSION. Public body created by Charter or ordinance of the Board of Supervisors with the ability to recommend the appointment of a chief executive of the function over which it exerts guidance. (See also "Board.")

SALARY ORDINANCE. An ordinance showing the number and rates of compensation for all positions continued or created by the Supervisors in adopting each annual budget and each annual and supplemental appropriation ordinance for all departments, agencies, boards and commissions of the City and County. The Salary Ordinance shall constitute the legal basis for check by the Human Resources Department or Controller as to legality of the creation of any position in the City and County service and the rate of compensation fixed therefor in an approved Memorandum of Understanding with a recognized employee group. (Added by Ord. 223-97, App. 6/6/97; amended by Ord. 132-99, File No.990583, App. 5/28/99)

SEC. 3.3. BUDGET TIMETABLE.

(a) Each elected and appointing officer, agency, board or commission, shall, not later than the twenty-first day of February of each year, file with the Controller, for check as to form and completeness, copies of his, her or its budget estimate approved in accordance with the provisions of the Charter.

(b) The Controller shall, not later than the first working day of March of each year, consolidate such budget estimates and transmit the same to the Mayor, together with such other material as is required.

(c) The Mayor shall, not later than the first working day of May of each year, transmit to the Board of Supervisors proposed budgets for selected departments, as determined by the Controller, in

consultation with the President of the Board of Supervisors and the Mayor's Budget Director. The criteria used by the Controller to determine which budgets will be submitted to the Board of Supervisors by the first working day of May should include: departments that are not supported by the City's general fund or departments that do not rely on the State's budget submission in May for their revenue sources. The May 1 deadline shall not apply in 2004. The Mayor shall, not later than the first working day of June of each year, transmit to the Board of Supervisors the complete City budget, including the remaining departments' budgets and estimates of amounts required to meet bond interest and fixed charges, together with his or her budget message and a draft of the annual appropriation ordinance, prepared by the Controller.

(d) The Controller shall, as provided in Section 9.102 of the Charter, review the estimated revenues and assumptions contained in the Mayor's submission of the budget and provide an opinion regarding the accuracy and reasonableness of the economic assumptions and revenue estimates on or before the fifth working day following submission of the Mayor's budget to the Board. In addition, the Controller may also recommend to the Board such reserves as he or she considers prudent given the proposed resources and expenditures contained in the Mayor's budget.

(e) The Committee of the Board of Supervisors then having jurisdiction over the budget according to the Rules of the Board shall review the budget and recommend an Interim Appropriation and Salary Ordinance which shall reflect the budget transmitted by the Mayor; provided, however, that any funds for equipment, capital improvements, new positions of employment, or any other proposed expenditures may be placed in reserve until released by the Board of Supervisors; and provided, further, that said ordinances shall reflect the rates of compensation established pursuant to Charter Sections A8 403, A8 404, A8 409 and A8 590-1 through A8 590-5.

(f) The Board of Supervisors shall not later than the thirtieth day of June, finally pass the interim appropriation and salary ordinances.

(g) The Board of Supervisors shall not later than the last working day of July, adopt the budget as proposed by the Mayor, or as amended by the Board of Supervisors.

(h) Not later than the last working day of September, the Board of Supervisors shall adopt by ordinance the tax rate for the City and County including amounts required for debt service.

If any date shown falls on a nonbusiness day, the due date shall be the next succeeding business day. (Added by Ord. 223-97, App. 6/6/97; amended by Ord. 236-01, File No. 011848, App. 12/7/2001; Ord. 240-02, File No. 021502, App. 12/20/2002; Ord. 80-04, File No. 040411, App. 5/6/2004)

SEC. 3.4. INTRODUCTION AND PUBLICATION OF BUDGET.

The proposed budget and appropriation ordinance for all departments and offices for each ensuing fiscal year, upon transmission to the Board of Supervisors by the Mayor by the first working day in June of each year, shall be deemed to have been regularly introduced and shall be published in a format which allows for the widest possible public understanding of the resources, uses and proposed programs. (Added by Ord. 223-97, App. 6/6/97; amended by Ord. 240-02, File No. 021502, App. 12/20/2002)

SEC. 3.5. LONG-TERM DEPARTMENTAL AND AGENCY BUDGET PLANNING—SETTING GOALS AND STRATEGIES, DEVELOPING STRATEGIC PLANS.

The policies resulting from this Section are intended to help the Mayor, the Board of Supervisors, the City's boards, commissions, and departments, the Redevelopment Agency and the courts, to develop and effect clear policies that will promote the City's long-term prosperity. So intended, these policies and documents shall not legally bind the Mayor, the Board of Supervisors, or any board, commission, or department to any specific action or course of action beyond their complying with this Section's requirements.

(a) Mission and Goals Statements.

(1) Each department, board, commission and

agency shall submit a budget containing documentation which provides the following information:

(i) The overall mission and goals of the department;

(ii) Strategic plans that provide direction towards achieving the department's mission and goals.

(iii) Identification of policy outcome measures that reflect the mission and goals of the department and which can be used to gauge progress towards attaining these goals;

(iv) The specific programs and activities conducted by the department to accomplish its mission and goals and the customers or clients served;

(v) The total cost of carrying out each program or activity;

(vi) The department head shall certify the extent to which the department achieved, exceeded, or failed to meet its missions, goals, productivity and service objectives, during the prior fiscal year.

(b) **Development of Strategic Plan.** Commencing with fiscal year 1998-99, each department, board, commission and agency shall develop and annually review a strategic plan which contains at least a three-year forward plan to reflect policy outcomes from the operations of the respective department, board, commission or agency consistent with the then-approved budget.

The committee of the Board of Supervisors having jurisdiction over the budget may waive any particular requirement of this Section upon the request of the Mayor. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.6. THREE-YEAR BUDGET PROJECTION.

Commencing in fiscal year 1998-99, following adoption of the annual budget by the Board of Supervisors the Mayor, Board's Budget Analyst and the Controller shall jointly prepare a three-year estimated summary budget for the City and County incorporating to the extent possible the strategic plans of each department, board, commission or agency developed pursuant to Section 3.5 of this Code.

The Mayor shall review each board, commission, or department's mission and goals statement as part of the preparation of the Mayor's proposed budget for the City and County. The Mayor and Board of Supervisors shall consider the City and County's three-year budget plan when composing the City and County budget for the next fiscal year. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.7. BUDGET TO BE ACCOMPANIED BY LEGISLATION CONTAINING ALL PROPOSED FEE AND REVENUE INCREASES ANTICIPATED IN THE PROPOSED BUDGET; COMPLETE SCHEDULE OF EXISTING FEES.

Legislation which, if approved, would enact or submit to the voters, if necessary, all of the fee or revenue increases anticipated in the proposed budget shall also be transmitted to the Board of Supervisors by the Office of the Mayor by June 1st of each year. When a proposed fee or revenue increase requires, by law or by agreement, hearings, review or approval by other agencies or parties, and this supplemental review and approval process will not allow the submission of the required legislation in final form by June 1st, then the proposed fee or revenue increase shall be submitted to the Board of Supervisors in draft by June 1st, and shall be subject to possible modification after June 1st and after the completion of the supplemental review and approval process.

In addition to any other information required by the Mayor or Board of Supervisors, departments shall submit with their budget a schedule showing each fee charged by said department, the revenues received from each such fee, except fees regulated by State or federal law, and the costs incurred in providing the services for which the fee is assessed. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.7-1. REPLACING GRANT-FUNDED POSITIONS.

The Mayor's proposed budget and appropriation ordinance shall include sufficient information to identify all positions that were funded by grants during the previous fiscal year, where the grant has since expired and the department proposes to fund the

position or provide the same services with general fund monies for the upcoming fiscal year. (Added by Ord. 338-00, File No. 001963, App. 12/28/2000)

SEC. 3.8. PUBLIC HEARINGS.

Agencies, boards and commissions shall make adequate provision for public participation in the budget process. Such public participation must include, at a minimum, a public hearing on the proposed budget before submission to the Controller for consolidation. The Mayor shall provide for public input on the budget before his or her submission to the Board of Supervisors. The Board shall hold at least one public hearing on the budget before adoption; however, said hearing may be held by the Board Committee then having jurisdiction over the budget. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.9. TRANSMISSION OF PROPOSED BUDGET, ETC., TO COMMITTEE; COMMITTEE'S RETURN AND REPORT.

The proposed budget and appropriation ordinance, the detailed estimate of revenues, the Mayor's message and any accompanying budget submission shall, upon receipt by the Clerk of the Board of Supervisors, be transmitted by him or her directly to the committee of the Board of Supervisors currently having jurisdiction pursuant to the Board's rules of order.

Said committee shall return the proposed budget, annual appropriation ordinance and annual salary ordinance to the Board of Supervisors with its report thereon no later than the fifteenth day of July. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.10. PREPARATION AND SUBMISSION OF ADMINISTRATIVE PROVISIONS OF ANNUAL SALARY ORDINANCE.

The administrative provisions of the annual salary ordinance for each ensuing fiscal year shall be prepared and submitted to the Board of Supervisors not later than the first working day in June by the Human Resources Department. Upon submission thereof these provisions shall be automatically referred

to the committee of the Board of Supervisors then having jurisdiction over review of the annual budget, pursuant to the rules of order of said Board.

Said committee shall recommend an Annual Salary Ordinance which ordinance shall reflect the rates of compensation established pursuant to Charter Sections A8.403, A8.404, A8.409, 8.590-1 through 8.509-5 and rates of compensation for court personnel, except judges, and shall follow the organizational format of the budget and Appropriation Ordinance. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.11. ANNUAL APPROPRIATION ORDINANCE, PREPARATION AND FORMAT.

The Controller shall prepare the Annual Appropriation Ordinance in a format which, to the extent possible, provides adequate controls over the various revenue and expenditure items by programs, departments, and priorities as set forth in the annual budget approved by the Mayor, is consistent with generally accepted accounting principles and standards as well as the provisions of Charter Section 3.105. The Controller shall revise the Appropriation Ordinance as required to reflect any changes to the budget initiated by the Board of Supervisors. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.12. INFORMATION CONCERNING BUDGET REQUIREMENTS AND RELATED MATTERS.

It shall be the duty of any committee of the Board of Supervisors having jurisdiction over annual budget review pursuant to the rules of said Board to keep informed at all times of the budget requirements of the several offices and departments of the City and County for the purpose of discharging its duties. For the purpose of assisting said committee to carry out the intent of this Section, upon request, the Controller shall provide the Board of Supervisors with copies of any documents or reports he or she has prepared dealing with the City's financial condition. For the purpose of further assisting such committee to carry

out the intent of this Section, it shall have the power, pursuant to the provisions of the Charter, for and on behalf of the Board of Supervisors, to make relevant inquiry to the several offices and departments, and to request from them such reports and information as it deems necessary to assist the committee in said purpose, in strict conformity with all the provisions of the Charter. (Added by Ord. 223-97, App. 6/6/97)

[Section 3.13 begins on page 93.]

[Section 3.13 begins on page 93.]

SEC. 3.13. CONTROLLER TO ASSIST THE MAYOR AND BOARD IN PREPARATION OF BUDGET.

The Controller is requested to assist the Mayor and Board of Supervisors in the preparation of the copy required in connection with the publication of the proposed budget and to assist the committee of the Board then having jurisdiction over the budget pursuant to the Board's rules with such data, analysis and commentary as may be requested by said committee. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.14. DEPARTMENTS TO OPERATE WITHIN AMOUNTS BUDGETED.

It shall be the policy of the Board of Supervisors that all departments and agencies of the City and County be required to conduct their departmental operations with such moneys as are provided in the various departmental and agency budgets. In conformance with Charter Section 9.115, the head of each agency shall, within 30 days of the adoption of the annual budget by the Board of Supervisors, by letter addressed to the Mayor, Board of Supervisors and Controller, agree that the funding provided is adequate for his or her department, board, commission or agency unless otherwise specifically noted by the appointing officer and acknowledged in writing by the Board. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.15. SUPPLEMENTAL APPROPRIATION ORDINANCES BUDGET, MODIFICATIONS.

Supplemental budget requests from any department, agency, board or commission subsequent to adoption of the annual budget for the current fiscal year shall follow the same process, except for time, as the annual budget process. The department, agency, board or commission head shall submit the original copy of the supplemental appropriation request in such detail as the Controller may prescribe for check as to completeness and form and simultaneously deliver a copy to the Mayor's Budget Office. If any supplemental appropriation ordinance, recommended by any department, agency, board, commission or elective officer, subsequent to the adoption of the budget for the current fiscal year and prior to the close thereof, contains any item which has been rejected or reduced by the Mayor in his or her review of departmental budget estimates for said current or prior

fiscal years or which had been rejected or reduced by the Board of Supervisors in its consideration of the Mayor's proposed budget for said current or prior fiscal years, the fact of such rejection shall be indicated on said supplemental appropriation ordinance which will require two-thirds vote of the Board of Supervisors for passage. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.16. INTERIM POSITIONS, SALARY ADJUSTMENTS.

When, in the opinion of the Director of Human Resources, the duties and responsibilities of a proposed new employment requested in any supplemental appropriation or department budget are not appropriate to any existing City and County position classification, the Director of Human Resources is authorized and directed to establish a new interim classification with an appropriate rate of pay for the balance of the then-current fiscal year. The Director and Clerk of the Board of Supervisors shall take such actions as may be necessary to amend the Annual Salary Ordinance accordingly.

The Controller is hereby authorized and directed to amend the appropriation ordinance by transferring from any legally available funds amounts required for approved Memoranda of Understanding (MOU's), arbitration awards and/or judgments which adjust the rate of pay or benefits for any employee or group of employees during any fiscal year. The Controller and Clerk of the Board of Supervisors shall take such actions as may be necessary to amend the Annual Salary Ordinance accordingly to reflect the revised rates of pay. Provided further that the Controller shall report the total dollar amount of any amendments annually to the Mayor, Board of Supervisors and Human Resources Director. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.17. SAVINGS INCENTIVE ACCOUNT.

(a) **Establishment and Purpose of Savings Incentive Account.** The Savings Incentive Account is hereby established for the purpose of making additional revenue available for items and services that will improve the efficient operations of departments. Appropriations from the account may only be made to departments to reduce the cost of service delivery and make departmental activities more efficient.

(b) **Funding of Savings Incentive Account.** It shall be the policy of the City and County of San Francisco that a Savings Incentive Account ("the account") be annually funded and available by October 1st of each year. The amount appropriated to the account shall be either \$2,000,000 or not more than 10 percent of the appropriations closed to General Fund balance for the preceding fiscal year as determined by the Controller whichever is greater.

(c) **Request and Approval of Appropriation.** Beginning July 1, 1996, any department funded in whole or in part from the General Fund may submit a request to the Mayor for an appropriation from the account. The Mayor, after consulting with the Controller, may recommend to the Board of Supervisors that it approve a department request for an appropriation from the account.

(d) Balances remaining in the account at the close of any fiscal year shall be deemed to have been appropriated for a specific purpose and shall be carried forward and accumulated in said account for the purposes recited herein. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.18. TRANSFERS.

The Controller, upon request of the Mayor, other officials, boards or commissions of the City and County, may transfer any unused balance or portion thereof from previously appropriated funds to augment existing appropriations as long as the transfer is within the same fund and governmental unit. The Controller shall notify the Mayor and the Board of Supervisors of any transfer of funds made pursuant to this section which exceeds 10 percent of the original appropriation to which the transfer is made. No such transfer of funds shall be made to an appropriation which was previously reduced by action of either the Mayor or Board of Supervisors in their review of the budget for the current or prior fiscal year. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.19. APPROPRIATION FOR ART ENRICHMENT OF PROPOSED PUBLIC BUILDINGS, ABOVEGROUND STRUCTURES, PARKS AND TRANSPORTATION IMPROVEMENT PROJECTS.

(a) **Art Enrichment Allocation.** Before proposing a bond issue or making a request for an appropriation for the construction of any of the

projects set forth in Subsection (c) below, the officer, board or commission concerned shall add thereto for the art enrichment of the proposed construction, two percent of the gross estimated construction cost, exclusive of the items proposed for such art enrichment. Where funding eligibility is limited by law or funding agency rules, the art enrichment allocation shall be based upon two percent of eligible construction costs.

If the officer, board or commission concerned determines that two percent of the gross estimated construction cost is inappropriate for art enrichment, such officer, board or commission shall submit its recommendation regarding the art enrichment budget and the basis for its determination to the Arts Commission for the Arts Commission's review. If the officer, board or commission concerned is unable to resolve the matter with the Arts Commission, the matter shall be submitted to the Mayor by the Arts Commission for final determination within 60 days from the date the recommendation is made.

Failure of the Arts Commission to submit the matter to the Mayor for resolution within such time shall be deemed equivalent to the Arts Commission's acceptance of the recommendation made by the officer, board or commission concerned.

(b) **Definitions.** For purposes of this Section:

(1) "Alteration" of a building, aboveground structure, or transportation improvement project shall include substantial changes to elements such as walls, partitions, or ceilings on $\frac{2}{3}$ or more of the total floor space, excluding basements. "Substantial changes" shall include additions to, removal of, and modification of such elements.

(2) "Construction cost" shall mean the total estimated construction contract award amount, including the costs of all built-in fixtures, unless otherwise agreed to by the Arts Commission. "Construction cost" shall not include movable or personal property or construction cost contingency.

(3) "Transportation improvement project" refers to Municipal Railway and Department of Public Works projects which include both aboveground and below-ground transportation-related projects, new boarding ramps, new transit platforms, new terminals and transportation systems with their attendant passenger amenities, such as shelters, seating, lighting, landscaping, and signage, new transportation-related structures such as maintenance and operating

facilities; power substations; and street/highway-related transit improvements such as bridges and overpasses.

(c) **Application.** This Section shall apply to the construction or alteration of the following: (1) a building; (2) an aboveground structure; (3) a new park; or (4) a transportation improvement project.

The requirements of this Section shall also apply to the alteration of a building, aboveground structure, or transportation improvement project.

(d) **Exemptions.** The following shall be exempt from the requirements of this Section: (1) Transportation improvement projects limited to rail replacement, rehabilitation or extension of catenary wiring; sidewalk (including curbs and gutters), street paving, repair or improvements; or transit vehicle purchases;

(2) All mechanical, plumbing and electrical system upgrades, structural or seismic upgrades, and modifications for disabled access, unless occurring in conjunction with alteration of a building, an aboveground structure or transportation improvement project;

(3) All park and landscape renovation projects including, but not limited to court resurfacing; landscape renovation or replanting; sewer and water lines; drainage and irrigation systems; wells; erosion control; restrooms; repaving; new paving; stairway repair or replacement; utilities; community gardens; modifications for disabled access; signage; lighting; fence replacement or repair; replacement or repair of existing play structures; natural areas management; modifications to existing parks; and new land uses within existing parks;

(4) Annual CIP funded capital improvements for security/life safety and health deficiencies when not occurring in conjunction with alteration of existing public buildings, aboveground structures, parks and transportation projects which are supported by the General Fund;

(5) Aboveground pipelines and their supports, such as trestles, or anchor blocks and saddles; valve lots; power transmission lines and towers; switchyards and substations; and dwellings in watershed areas;

(6) Airfields and Airports Commission equipment;

(7) Airports Commission signage when not occurring in conjunction with a larger construction contract subject to this Section.

(e) **Administrative Fees.** The Arts Commission shall supervise and control the expenditure of all funds appropriated for art enrichment and shall allocate up to 20 percent of said funds for all necessary and reasonable administrative costs incurred in connection therewith, unless the Arts Commission agrees to a lesser amount on projects with art enrichment budgets in excess of \$750,000, or unless such administrative fee is limited or prohibited by the funding source.

(f) **Aggregation of Funds.** When mutually agreed upon by the Arts Commission and the City department from whose capital project the art enrichment allocation was obtained, and where permitted by the funding source, the Arts Commission shall have the authority to aggregate art enrichment funds for use at a more publicly accessible facility under the jurisdiction of the participating City department.

(g) **Maintenance and Conservation Funds.** When permitted by the funding source, the Arts Commission may set aside and expend up to five percent of the total art enrichment allocation for each project for maintenance and conservation purposes. Funds set aside pursuant to this Section shall be invested in an interest-bearing account when the total of such funds set aside exceeds \$10,000.

(h) **Miscellaneous Provisions.**

(1) When a client department suggests a mitigation measure to address any perceived safety concerns relative to any element of the art enrichment, the Arts Commission shall work with the client department to ensure that such mitigation is implemented to the satisfaction of the client, the Arts Commission and the artist, if such safety concern is raised by the client department within 30 days after the element has been presented for review to the client department.

(2) If a City department can sufficiently demonstrate to the Arts Commission that a project is not appropriate for public access, the Arts Commission shall waive the art enrichment allocation for such project provided that the art enrichment funding cannot be aggregated for use at a more publicly accessible facility under the jurisdiction of the participating City department.

(3) Construction and installation of art enrichment shall comply with the requirements of all applicable building codes, laws, ordinances, rules and regulations.

(4) Nothing in this Section contained shall be construed to limit or abridge the legal powers of the governing boards of the War Memorial, the Fine Arts Museums, the Asian Art Museum or the Port of San Francisco.

(5) Nothing in this Section shall be construed to limit or abridge the jurisdiction of the officer, board or commission of the participating City department to supervise and control the expenditure of project funds other than the two percent allocation for art enrichment.

(6) This amendment shall not be applied retroactively to projects for which an art enrichment allocation previously would not have been required, nor to those projects for which project funding has been approved either by prior voter action or by airport revenue bond sales, but not yet appropriated or expended. Nor shall this ordinance be construed to allow for an increase in the total art enrichment allocation for a project that is already underway or for which the art enrichment allocation has already been established. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.19A. ARTS COMMISSION CIVIC DESIGN REVIEW FEES.

Any entity, public or private, including any office, department or agency of the City and County of San Francisco requiring the Arts Commission's civic design review and approval under Charter Section 5.103(1) ("Applicant") shall pay a fee to the Arts Commission consistent with the provisions of this section. For purposes of this section, the Arts Commission's "Civic Design Review" includes approving the designs for all public structures, any private structure which extends over or upon any public property and any yards, courts, set-backs or usable open spaces which are an integral part of any such structures. Civic Design Review shall also include review of conceptual designs, site plans, design development and construction drawings for any project subject to the Arts Commission's Civic Design Review under Charter Section 5.103(1). The Arts

Commission shall use any funds collected under this section solely to defray the costs incurred by the Arts Commission staff in performing its Civic Design Review functions.

(a) **Civic Design Review Deposit Fee.** Effective July 1, 2004, an Applicant shall submit a deposit of \$1,000 ("Deposit") to the Arts Commission for each project requiring such review under San Francisco Charter Section 5.103(1).

(b) **Deposit and Fee Deadlines.** The Deposit shall be payable at the time an Applicant submits a request for Civic Design Review of a project. The Arts Commission is not required to schedule review of any project whose Applicant has failed to pay the Deposit required by this section.

(c) **Time and Materials Fees.** The Applicant shall pay the Arts Commission for any time and materials cost, including copying costs, incurred in excess of the Deposit paid under this section. The Arts Commission is not required to give its final approval for any project until the Applicant has paid the balance of fees due to the Arts Commission under this section. Within 20 days prior to the Arts Commission's meeting to consider the final approval of the Applicant's project, the Arts Commission shall provide the Applicant with a written report summarizing the Arts Commission's actual time and materials costs associated with the Applicant's project.

(d) **Refunds.** When an application is withdrawn by the Applicant prior to a public hearing, or deemed canceled by the Arts Commission due to inactivity on the part of the Applicant then the Applicant shall be entitled to a refund of the fee paid to the Arts Commission less the cost of time and materials incurred minus a \$200 processing fee. In addition, where the actual time and materials cost in connection with a project that the Arts Commission has acted on is less than the Deposit paid under this section, the Arts Commission shall refund the difference between the Deposit and the actual time and materials cost.

(e) **Waiver.** The Director of Cultural Affairs may waive the fees required under this section where the Applicant demonstrates in a written application that payment of such fees would present an undue financial hardship on the Applicant and would jeopardize the completion of the project. (Added by Ord. 173-04, File No. 040730, 7/22/2004)

SEC. 3.20. CAPITAL EXPENDITURE PLAN.

By March 1 of each year, the City Administrator shall annually submit to the Mayor and Board of Supervisors a ten-year capital expenditure plan which shall include an assessment of the City's capital infrastructure needs, investments required to meet the needs identified through this assessment, and a plan of finance to fund these investments. By May 1 of each year, the Mayor and Board of Supervisors shall annually review, update, amend, and adopt by resolution the ten-year capital expenditure plan.

The capital expenditure plan shall include all recommended capital project investments for each year of the plan. The plan shall incorporate all major planned investments to maintain, repair, and improve the condition of the City's capital assets, including but not limited to city streets, sidewalks, parks, and rights-of-way; public transit infrastructure; airport and port; water, sewer, and power utilities; and all City-owned facilities.

The capital expenditure plan shall include a plan of finance for all recommended investments, including proposed uses of General and Enterprise Funds to be spent to meet these requirements. Additionally, the plan shall recommend the use and timing of long-term debt to fund planned capital expenditures, including General Obligation bond measures.

The capital expenditure plan shall include a summary of operating costs and impacts on City operations that are projected to result from capital investments recommended in the plan. This operations review shall include expected changes in the cost and quality of City service delivery.

The plan shall also include a summary and description of projects deferred from the ten-year capital expenditure plan given non-availability of funding necessary to meet assessed capital needs. (Added by Ord. 216-05, File No. 050920, App. 8/19/2005) (Former Sec. 3.20 added by Ord. 223-97, App. 6/6/97; amended by Ord. 55-98, App. 2/20/98; repealed by Ord. 216-05)

SEC. 3.21 CAPITAL PLANNING COMMITTEE.

There is hereby created a Capital Planning Committee consisting of the City Administrator as chair, the President of the Board of Supervisors, the

Mayor's Finance Director, the Controller, the City Planning Director, the Director of Public Works, the Airport Director, the Executive Director of the Municipal Transportation Agency, the General Manager of the Public Utilities System, the General Manager of the Recreation and Parks Department, and the Executive Director of the Port of San Francisco. Each member of the Capital Planning Committee may designate a person to represent her or him as a voting member of the Committee. Such designations shall be in written documents signed by the designating member and filed with the City Administrator, or her or his designee.

The mission of the Capital Planning Committee is to review the proposed capital expenditure plan and to monitor the City's ongoing compliance with the final adopted capital plan. As such, the Capital Planning Committee shall (1) establish prioritization and assessment criteria to assist the City Administrator with the development of the capital expenditure plan, (2) annually review the City Administrator's proposed capital expenditure plan prior to its submission to the Mayor and Board of Supervisors, and (3) review the annual budget and any proposed use of long-term debt, including General Obligation bonds, to ensure compliance with the adopted capital expenditure plan.

The Board of Supervisors shall not place on the ballot, or authorize the issuance of any long term financing, until the Capital Planning Committee completes a review of the proposal and submits its recommendation to the Board of Supervisors. Each proposal shall be in form and substance satisfactory to the Committee, and shall be accompanied by descriptive financial, architectural, and/or engineering data, and all other pertinent material in sufficiently complete detail to permit the Committee to review all aspects of the proposal. The Committee shall submit a written report to the Mayor and the Board analyzing the feasibility, cost, and priority of each proposal relative to the City's capital expenditure plan.

The Chair of the Capital Planning Committee is hereby authorized to adopt such rules, definitions, and procedures as are necessary to meet the requirements described in Section 3.20 and 3.21. (Added by Ord. 216-05, File No. 050920, App. 8/19/2005) (Former Sec. 3.21 added by Ord. 223-97, App. 6/6/97; repealed by Ord. 216-05)

Sec. 3.24.

(Added by Ord. 223-97, App. 6/6/97; amended by Ord. 132-99, File No. 990583, App. 5/28/99; repealed by Ord. 216-05, File No. 050920, App. 8/19/2005)

Sec. 3.23.

(Added by Ord. 223-97, App. 6/6/97; repealed by Ord. 216-05, File No. 050920, App. 8/19/2005)

SEC. 3.24. COMMITTEE ON INFORMATION TECHNOLOGY.

Establishment, Composition, Purpose. There is hereby created a Committee on Information Technology (COIT) composed of the Mayor's Finance Director, a member of the Board of Supervisors, the Controller, the Director of Telecommunications and Information Services or their designee, and one department head from each of the following six groupings of departments: (a) Public Protection, (b) Public Works, Transportation and Commerce, (c) Human Welfare and Neighborhood Development, (d) Community Health, (e) Culture and Recreation, (f) General Administration and Finance. The department heads shall be selected annually by the four continuing members. The Committee on Information Technology shall take a leadership role in encouraging and coordinating departmental efforts in the use of new technology. The Committee shall promote interdepartmental cooperation and City standards. It shall review major interdepartmental and citywide projects and make policy recommendations thereon. The Committee shall elect one member to serve as chair, establish rules governing its operations and procedures to be followed by the several departments, boards and commissions for matters to be considered by the Committee. (Added by Ord. 223-97, App. 6/6/97)

SEC. 3.25. THREE-YEAR PLANS, TECHNICAL ASPECTS.

Three-year plans, minor departmental projects and other technical aspects of information technology shall be delegated to a subcommittee composed of technical staff appointed by the permanent members and department heads who are current members of the Committee on Information

Technology established above. The subcommittee shall review projects and technical aspects and provide reports and recommendations for technology improvements and systems in a format designed to provide full and complete understanding of funding and budget requirements updated for each budget year.

The Telecommunications and Information Services Department or its successor shall provide staff support to the Committee on Information Technology and the working subcommittee created herein. (Added by Ord. 223-97, App. 6/6/97)

SECS. 3.26 THROUGH 3.49. RESERVED FOR FUTURE USE.

Sec. 3.50.

(Added by Ord. 223-97, App. 6/6/97; repealed by Ord. 295-00, File No. 001761, App. 12/22/2000)

CHAPTER 4: CITY BUILDINGS, EQUIPMENT, AND VEHICLES

CHAPTER 4: CITY BUILDINGS, EQUIPMENT, AND VEHICLES

- Sec. 4.1. Public Buildings and Grounds; Administration and Protection.
- Sec. 4.1-2. City Hall Short Term License, Filming, and Tour Fees; Listed Caterers.
- Sec. 4.2. Installation of Vending Stands and Machines.
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- Sec. 4.14. Restriction on Use of Polluting Equipment.
- Sec. 4.15-1. Authorizing Conduct of Store in Laguna Honda Hospital.
- Sec. 4.18. Lenders of Personal Property to the City for Use on a Trial Basis Required to Save Harmless the City, Officers and Employees for Loss or Injury to Property—Approval of Purchaser of Supplies.
- Sec. 4.19. Use of City Property.
- Sec. 4.20. Tobacco Product Advertising Prohibition.
- Sec. 4.21. Naming the Civic Auditorium for Bill Graham.
- Sec. 4.22. Naming the Hall of Justice for Thomas J. Cahill.
- Sec. 4.23. Rental Deposits; Bill Graham Civic Auditorium and Moscone Center Convention Center.
- Sec. 4.24. Parking Fee for City Parking Facilities.
- Sec. 4.25. Naming the City-Owned Stadium “Candlestick Park.”

SEC. 4.1. PUBLIC BUILDINGS AND GROUNDS; ADMINISTRATION AND PROTECTION.

The Director of Administrative Services shall have charge of all public buildings and grounds of the City and County not otherwise under the jurisdiction and control of an officer, board or commission of said City and County, including the allocation of office space therein, and shall have the power to prescribe rules and regulations for the administration and protection of any of said buildings and grounds.

Copies of any rule or regulation prescribed by the Director of Administrative Services pursuant to the provisions of this Section shall be posted in a conspicuous place in the public building or grounds to which said rule or regulation applies. (Added by Ord. 88-72, App. 4/7/72; amended by Ord. 278-96, App. 7/3/96; Ord. 191-99, File No. 990878, App. 7/1/99)

SEC. 4.1-2. CITY HALL SHORT TERM LICENSE, FILMING, AND TOUR FEES; LISTED CATERERS.

(a) **Fee Schedule.** The Director of Administrative Services, or his or her designated officer, (the

"DAS") is hereby authorized to establish and charge fees for the use of City Hall in accordance with the following schedule:

(1) Short Term License Fees ("Event Fees").

The DAS shall charge a party (a "Licensee") who enters into a Short Term License Agreement for the use of City Hall for a particular activity lasting up to a maximum of ten hours (an "Event") up to \$30,000, per Event, for use of the City Hall Rotunda (the "Rotunda"), with or without the use of the North and South Light Courts. Where the DAS contracts with a Licensee for the use of either or both of the North and South Light Courts, but not the use of the Rotunda, the DAS may charge the licensee up to \$10,000 per light court per event. The DAS may establish and charge fees for the use of other areas within City Hall, other than the Board of Supervisors Chamber, provided that such fees shall not exceed the maximum rates authorized for use of the Rotunda under this section.

In addition, the DAS may also establish and charge other fees, including, but not limited to, fees for security, building personnel, cleaning, cleaning supplies, and kitchen equipment management that the DAS determines are necessary to cover the total costs to the City for each Event. The DAS, in its discretion, shall establish standard reduced fee rates for non-profit organizations.

(2) Fees for Filming and Photographing Activity. The DAS may charge fees for filming and photographing activities ("Filming Activity") that do not exceed the Event Fees under paragraph (1). The DAS may negotiate lower fees with a party interested in conducting Filming Activity in City Hall (a "Contractor") based on factors such as the duration, time period and space required for filming or photographing, the number of people involved in the Filming Activity, and the non-profit status of the Contractor.

(3) Fees for Tours of City Hall. The DAS may charge fees for docent-led group tours of City Hall, other than regularly scheduled free tours ("special group tours"). The DAS may charge up to \$75 for special group tours of up to thirty people and up to \$125 for special group tours of over thirty people. However, school group tours for students in kindergarten through twelfth grad shall be provided free of charge.

(b) Ratification of Prior Fees. All fees previously charged for the use of City Hall since its opening in January 1999 and before the effective date of this Section are hereby ratified. (Added by Ord.188-99, File No. 990690, App. 7/1/99)

SEC. 4.2. INSTALLATION OF VENDING STANDS AND MACHINES.

(a) Definitions. As used in this Chapter, the following words shall have the following respective meanings:

"Vending stand" shall mean a non-mechanical stand dispensing products or services, including food, beverages, tobacco products, newspapers and periodicals.

"Vending machine" shall mean an automated machine dispensing products or services, including food, beverages, tobacco products, newspapers and periodicals.

(b) The head of any department in charge of improved property controlled by the City, including a building or space therein, but excepting space inside and outside of offices in City Hall, may, when such arrangements seem to him or her desirable from the standpoint of both the department's operations and the welfare of the employees, and with the approval of the Director of Administrative Services, board or commission concerned, arrange through the Purchaser for the installation of vending stands or vending machines. (Ord. No. 6562 (1939), Sec. 1; amended by Ord. 278-96, App. 7/3/96, Ord. 191-99, File No. 990878, App. 7/1/99)

SEC. 4.3. INSTALLATION OF VENDING STANDS AND MACHINES—CITY HALL.

The Director of Property shall have the exclusive right, with the approval of the Director of Administrative Services, to arrange for the installation of vending stands or vending machines in City Hall, both inside and outside of offices. Such arrangements shall be made through the Purchaser. (Ord. 6562 (1939), Sec. 2, amended by Ord. 278-96, App. 7/3/96, Ord. 191-99, File No. 990878, App. 7/1/99)

SEC. 4.4. INSTALLATION OF VENDING STANDS AND MACHINES—EXCEPTIONS.

Notwithstanding any provision to the contrary in Sections 4.2 through 4.9, the Public Utilities

Commission, the Recreation and Park Commission, the Airport Commission, the Port of San Francisco, the Health Commission and the Board of Trustees of the War Memorial shall have the exclusive right to arrange for the installation of vending stands and vending machines on property under their respective jurisdictions. (Ord. No. 6562 (1939), Sec. 3; amended by Ord. 191-99, File No. 990878, App. 7/1/99)

SEC. 4.5. INSTALLATION OF VENDING STANDS AND MACHINES—DEPOSIT OF FUNDS.

Except as provided in Section 4.9 of this Code, all funds received from the operation of vending stands and vending machines shall be deposited in the City treasury, to the credit of the funds of the department with jurisdiction over the property on which the stands or machines are located. (Ord. No. 6562 (1939), Sec. 4; amended by Ord. 191-99, File No. 990878, App. 7/1/99)

SEC. 4.6. INSTALLATION OF VENDING STANDS AND MACHINES—APPLICATION OF FEDERAL AND STATE LAWS; MAINTENANCE IN SANITARY CONDITION.

All federal and State laws and regulations and all local ordinances and regulations, applicable to the installation and maintenance of vending stands and vending machines as provided by the four preceding sections, and the products offered for sale therein, shall be complied with by the person furnishing such installation. All such stands and machines, and the products offered therein, shall be installed and maintained in a sanitary condition. (Ord. No. 6562 (1939), Sec. 5; amended by Ord. 191-99, File No. 990878, App. 7/1/99)

SEC. 4.7. INSTALLATION OF VENDING STANDS AND MACHINES—INSURANCE AGAINST CLAIMS FOR DAMAGES.

In every case of installation and maintenance of vending stands and vending machines by a contractor, the City shall be protected by satisfactory insurance against any claim for damages in connection therewith and the articles offered for sale therein.

Such insurance shall be in such form and amount satisfactory to the contracting officer, in consultation with the City's Office of Risk Management. (Ord. No. 6562 (1939), Sec. 6; amended by Ord. 191-99, File No. 990878, App. 7/1/99)

SEC. 4.8. INSTALLATION OF VENDING STANDS AND MACHINES—DURATION OF INSTALLATION AGREEMENT; REVOCATION OF AGREEMENT.

No agreement covering a vending stand or vending machine installation shall bind the City beyond the end of the fiscal year in which the agreement is executed. Any such agreement shall be revocable by the City for cause, without notice, and without cause on 30 days' notice. (Ord. No. 6562 (1939), Sec. 7; amended by Ord. 191-99, File No. 990878, App. 7/1/99)

SEC. 4.9. INSTALLATION OF VENDING STANDS AND MACHINES—ISSUANCE OF PERMITS FOR INSTALLATION AT SAN FRANCISCO GENERAL HOSPITAL.

Permits for the installation of vending stands and vending machines may also be issued to the Volunteer Auxiliary to San Francisco General Hospital. No charge shall be made for such permit, nor shall there be any rental or other charge in connection with the operation of such machines by the Volunteer Auxiliary. The Director of Public Health shall have the exclusive right to arrange through the Purchaser for the installation of said stands or machines. The net proceeds from the operation and sales from such vending stands and vending machines shall be used only for the benefit of patients at the hospital as approved by the Director of Public Health. The net proceeds shall be expended for the purposes set forth herein not later than June 30th of the succeeding fiscal year. Any remaining funds not so expended, if any, shall be deposited in the city treasury to the credit of the Department of Public Health not later than 60 days after the close of the fiscal year. The Volunteer Auxiliary shall file an annual report with the Director of Public Health on forms approved by the Controller, showing the proceeds received, any disbursements made and the purposes for which the proceeds have been expended.

Installation pursuant to the provisions of this Section may be made for any vending stand or vending machine and for any other items approved by the Director of Public Health. (Amended by Ord. 47-67, App. 2/9/67; Ord. 278-96, App. 7/3/96; Ord. 191-99, File No. 990878, App. 7/1/99)

SEC. 4.10. USE OF CITY SEAL ON CITY-OWNED PASSENGER AUTOMOBILES; COLOR.

Required. Every passenger automobile, title to which is vested in the City and County, shall have imprinted in a conspicuous place upon its side in appropriate colors and lettering, not less than six inches in diameter, a replica of the corporate seal of the City and County. Passenger automobiles shall be uniform in color, as determined by the Purchaser of Supplies with the approval of the Director of Administrative Services.

Imprinting Seal On New Automobiles. When any passenger automobile is purchased or acquired for the use of any department of the government of the City and County, the same shall be delivered to the Purchaser of Supplies at such place as may be designated by the Purchaser and it shall be the duty of the Purchaser to have imprinted on the automobile in a conspicuous place on its side in appropriate colors and lettering, not less than six inches in diameter, a replica of the corporate seal of the City and County. The Purchaser of Supplies shall not deliver to any department or official any City-owned passenger automobile until the replica of the corporate seal of the City and County is imprinted thereon.

Exceptions. The Director of Administrative Services shall have the authority to exempt any automobile from the provisions of this Section; provided, however, that the Director of Administrative Services shall not exempt any automobile from the necessity of having a seal affixed thereon, unless the automobile is used for special investigation and inspection work by the Police and Fire Departments or any other department that might require the use of an automobile without a seal for such purpose. (Amended by Ord. 497-77, App. 11/4/77; Ord. 278-96, App. 7/3/96)

SEC. 4.10-1. CITY-OWNED AND LEASED VEHICLES; FLEET MANAGEMENT PROGRAM.

(a) All general purpose vehicles owned, leased or rented by the City and previously assigned to, or placed under the jurisdiction of, any officer or department of the City are hereby transferred to the jurisdiction of the Director of Administrative Services. General purpose vehicles acquired after the effective

date of this ordinance shall also be placed under the jurisdiction of the Director of Administrative Services.

(b) The Director of Administrative Services shall have primary authority over vehicles now or hereafter placed under his or her jurisdiction, but may assign these vehicles for use by City officers and departments. The Director of Administrative Services shall adopt rules and regulations necessary to implement this vehicle fleet management program, including rules covering: terms, conditions, and fees for assignment of vehicles by the Department of Administrative Services to individual City officers and departments; vehicle maintenance programs; and vehicle replacement plans. Fees charged for the assignment of vehicles shall be set by the Director of Administrative Services in consultation with the Controller, and the fees shall be used to pay for acquisition and replacement of vehicles, maintenance and repair, and other costs of administering the program. The Director of Administrative Services may make appropriate provision for vehicles previously acquired using special, dedicated or otherwise restricted funds.

(c) The Department of Administrative Services shall provide a report on its fleet management program and proposals for vehicle replacement along with its annual budget submission to the Mayor and the Board of Supervisors

(d) The Director of Administrative Services shall submit an initial vehicle maintenance program to the Board of Supervisors by May 16, 2003. The Director shall submit a report on proposed lease fees to the Board no later than May 16, 2003. The Director shall submit an initial vehicle replacement plan to the Board no later than December 1, 2003. (Added by Ord. 69-03, File No. 030315, App. 4/18/2003) (Former Sec. 4.10-1 added by Ord. 497-77, App. 11/4/77, amended by Ord. 278-96, App. 7/3/96, repealed by Ord. 69-03)

SEC. 4.11. USE OF CITY-OWNED VEHICLES.

(a) Vehicles owned, leased or rented by the City and County and assigned to, or under the jurisdiction of, any department of the City and County, shall be used only in the discharge and transaction of municipal business. No officer, employee or authorized volunteer of the City and County shall use any such

vehicle without the consent of the head of such department. The head of the department which has jurisdiction over any such vehicle may not assign any such vehicle to any individual officer or employee unless a written request justifying the need for personal assignment is made by the individual officer or employee and approved by the Director of Administrative Services.

(b) No vehicle owned, leased or rented by the City and County and assigned to, or under the jurisdiction of, any department of the City and County shall be used for transportation to and from an employee's place of residence except as provided below:

(1) The employee resides in or both resides and works outside of the City and County and is on call for work after his or her normal workday is completed and the nature of the work has required the use of a City and County vehicle after hours on at least five occasions in the preceding 12-month period; or

(2) The employee resides in or both resides and works outside of the City and County and must leave his or her residence prior to 8:00 a.m. on City and County business away from his or her normal place of work; or

(3) The employee resides in or both resides and works outside of the City and County and would return to his or her normal place of work from an

[Section 4.11 continues on page 105.]

[Section 4.11 continues on page 105.]

appointment on City and County business after 6:00 p.m. or on a weekend; or

(4) The employee is a member of the San Francisco Police Department or San Francisco Sheriff's Department, or an employee of the San Francisco Water Department, San Francisco Department of Public Works, San Francisco Department of Emergency Services, San Francisco Office of Citizen Complaints or San Francisco District Attorney's Office, and has the prior written permission of the department head to use a vehicle equipped with emergency equipment for such purpose, subject to such restrictions and regulations as the Chief of Police, Sheriff, Director of Emergency Services, Director of the Office of Citizen Complaints or District Attorney may provide for the respective departments. The departments shall keep detailed records of all vehicles used pursuant to this paragraph; said records shall be open to inspection by the Office of the Mayor and the Board of Supervisors; and provided further that the number of vehicles so exempted shall not exceed:

San Francisco Water Department	42
San Francisco Police Department	33
San Francisco Sheriff's Department	5
San Francisco Department of Emergency Services	2
San Francisco Department of Public Works	17
San Francisco Office of Citizen Complaints	4
San Francisco District Attorney's Office	8

(5) The employee is a forensic pathologist employed by the Office of the Medical Examiner and has prior written permission of the Medical Examiner to use a City and County vehicle and is on call before or after normal work hours in order to respond to and investigate death scenes. The Medical Examiner shall keep detailed records of all vehicles used pursuant to this subsection; said records shall be open to inspection by the Director of Administrative Services and the Board of Supervisors; and provided further that the number of vehicles so exempted shall not exceed two vehicles; or

(6) The employee is a resident of the City and County of San Francisco and is driving the vehicle to and from the employee's place of residence solely for

the purpose of garaging the vehicle at his or her place of residence during nonwork hours, with the approval by resolution of the Board of Supervisors, upon the recommendation of the Director of Administrative Services, where the head of the department which has jurisdiction over such vehicle finds that the public interest will be best served by permitting the employee to take the vehicle home, rather than require the City to garage the vehicle.

(c) Penalty. Any employee violating the provisions of this Section shall pay to the City and County an amount equal to three times the City and County's mileage reimbursement rate times the number of miles driven in violation thereof.

(d) Except as otherwise provided by ordinance, an authorized volunteer, while operating a motor vehicle owned by the City and County pursuant to authorization by the head of the department to which said vehicle is assigned or which has jurisdiction over said vehicle, shall be deemed to be an employee of the City and County solely for purposes of California Vehicle Code Section 17001 and Division 3.6 of Title 1 of the Government Code of the State of California, and for no other purpose; provided, however, that nothing herein contained shall be deemed to permit the authorization to operate a motor vehicle owned, leased or rented by the City and County contrary to the provisions of the Vehicle Code of the State of California. (Amended by Ord. 562-79, App. 11/16/79; Ord. 358-93, App. 11/15/93; Ord. 278-96, App. 7/3/96; Ord. 410-97, App. 10/31/97; Ord. 35-04, File No. 031934, App. 3/19/2004)

SEC. 4.12. AUTOMOBILE POOL.

Power To Establish. There is hereby conferred upon the Purchaser of Supplies the power to establish, maintain and operate an automobile pool, the location of which shall be subject to the approval of the Board of Supervisors by resolution, from which there shall be made available to authorized officers and employees of the City and County, as needed, such vehicular passenger transportation as may be requisite for the proper performance of their official duties.

Regulations. The requisition and operation of vehicles assigned to the automobile pool, and all related matters incidental to the maintenance and operation of the pool, shall be prescribed by written

regulations promulgated by the Purchaser of Supplies, with the approval of the Director of Administrative Services and the Board of Supervisors.

Assignment of Vehicles to Pool. Vehicles now or hereafter allocated to any department of the City and County shall be transferred from the jurisdiction thereof to the jurisdiction of the Purchaser of Supplies for assignment to and use in the automobile pool, whenever such transfer shall be authorized and directed by resolution of the Board of Supervisors. (Ord. No. 6820 (1939), Secs. 1 to 3; amended by Ord. 278-96, App. 7/3/96)

SEC. 4.13. AUTOMOBILE SELF-INSURANCE.

The City and County insures its officers against liability, other than a liability which may be insured against under the provisions of Division 4 of the Labor Code of the State of California, for injuries or damages resulting from their negligence or carelessness in the operation, during the course of their service or employment and within the scope of their duties to the City and County in such service or employment, of any motor vehicle which is owned by the City and County or which is rented by the City and County from any person other than an officer of the City and County.

Such insurance, so far as it is not effected by contract with any insurer authorized to transact such insurance in the State of California, whether contracted for by the City and County directly or through a contractor, shall be deemed to be self-insurance of the City and County.

A motor vehicle, as used in this Section, is a vehicle which is self-propelled, within the meaning of such term as used in the Vehicle Code of the State of California.

Officer or officers, as used in this Section, shall include any deputy, assistant or employee of the City and County, acting within the scope of his or her office or employment in the operation of any such motor vehicle, except as otherwise provided.

Liability, as used in this Section, shall be liability of an officer for injury or damages resulting from such negligence or carelessness in such operation of such a motor vehicle within the meaning of the term

liability, as used in Section 1956 of the Government Code of the State of California. (Ord. No. 5060 (1939), Sec. 1; Ord. 191-99, File No. 990878, App. 7/1/99)

SEC. 4.14. RESTRICTION ON USE OF POLLUTING EQUIPMENT.

For purposes of this Section, "polluting garden and utility equipment" means gasoline-powered equipment under 25 horsepower, including two-stroke and four-stroke models, such as, but not limited to, lawnmowers, leaf blowers, trimmers, weed whackers and jackhammers. Except as otherwise provided in this Section, no department of the City and County of San Francisco shall use polluting garden and utility equipment on "Spare the Air Days" or other days in which the Bay Area Air Quality Management District notifies the public of unhealthy levels of air pollution and requests that the public refrain from engaging in polluting activities. The prohibition on the use of polluting garden and utility equipment shall not apply to an employee whose supervisor, in accordance with written departmental procedures, has exempted the employee from the prohibition on a specified day. The department head of each department that uses polluting garden and utility equipment shall establish procedures for informing employees about the prohibition on use and authorizing exemption requests. (Added by Ord. 5-98, App. 1/16/98)

SEC. 4.15-1. AUTHORIZING CONDUCT OF STORE IN LAGUNA HONDA HOSPITAL.

The Administrator of Laguna Honda Hospital is hereby authorized to conduct a store or stores within the confines of said institution for the sale of candies, soft drinks and other foodstuffs, tobacco, and sundries, subject to the following conditions:

(a) The Administrator of Laguna Honda Hospital shall supervise the management and operation of the store. He or she shall be the custodian or shall appoint from the hospital staff a custodian of all funds, merchandise, property, and equipment of said store.

(b) The Administrator shall be authorized to collect and deposit all proceeds from the store sales in a bank or banks as he or she may select.

(c) The Administrator and his or her representative may draw checks on the bank accounts for the purchase of materials, supplies, equipment, contractual services, and other obligations properly charged to the store operation.

(d) The Administrator shall be authorized to assign personnel from other services within the hospital to operate the store, as required.

(e) The Administrator is also authorized to install vending machines with the approval of the Director of Public Health and the City Purchaser in various locations throughout the hospital for the convenience of the patients, visitors, and employees.

(f) Proceeds from the sales of said vending machines shall be deposited in the store fund.

(g) The net proceeds arising from the operation of the store and vending machines shall be used upon the recommendation of the Administrator of Laguna Honda Hospital and the approval of the Director of Public Health for such things as may be for the general welfare of the patients of Laguna Honda Hospital, directly or indirectly, which are not provided for them by other appropriations.

(h) An annual audit shall be made of the store's operations by the Controller, and the cost of said audit shall be charged to the store receipts. (Added by Ord. 81-67, App. 3/27/67)

SEC. 4.18. LENDERS OF PERSONAL PROPERTY TO THE CITY FOR USE ON A TRIAL BASIS REQUIRED TO SAVE HARMLESS THE CITY, OFFICERS AND EMPLOYEES FOR LOSS OR INJURY TO PROPERTY—APPROVAL OF PURCHASER OF SUPPLIES.

No person, firm or corporation shall loan equipment or other personal property to the City and County or any officer or employee thereof for the use of the City and County on a trial basis, and no department, officer or employee of the City and County is authorized to use, accept, possess or receive for or on behalf of the City and County, any article of equipment or other personal property for use on a trial basis without the prior approval of the Purchaser and, unless and until the owner of said equipment or personal property shall first execute, sign and deliver to the head of the department in which said equipment

or personal property is to be so used, an agreement in writing, in a form to be first approved by the City Attorney, that the owner of said equipment or other personal property shall protect, defend, indemnify and hold harmless the City and County of San Francisco and its officers and employees from and against all claims, actions, and liability arising out of loss, theft, or destruction of, or injury or damage to, said personal property from every cause whatsoever, including negligent act or omission of said City and County or its officers or employees while said property is in the possession or control of the City and County of San Francisco. (Added by Ord. 117-64, App. 5/4/64; Ord. 191-99, File No. 990878, App. 7/1/99)

SEC. 4.19. USE OF CITY PROPERTY.

Real and personal property belonging to, or subject to the control of, any City and County department, board, commission or authority shall only be used to advance or promote public programs or other purposes which have been duly authorized by the appropriate public agency. Upon finding that a City and County official or employee has engaged in activities prohibited by this Section, that official or employee shall be subject to disciplinary action in accordance with the applicable provisions of the Charter. (Added by Ord. 7-86, App. 1/17/86)

SEC. 4.20. TOBACCO PRODUCT ADVERTISING PROHIBITION.

No advertising of cigarettes or tobacco products shall be allowed on any property owned by or under the control of the City and County of San Francisco. This prohibition shall include the placement of the name of a company producing, selling or distributing cigarettes or tobacco products or the name of any cigarette or tobacco product in any promotion of any event or product. This prohibition shall not apply to any advertisement sponsored by a state, local or nonprofit entity designed to communicate the health hazards of cigarettes and tobacco products or to encourage people not to smoke or to stop smoking. All leases, permits or agreements awarded by the City and County of San Francisco allowing any person to use City property shall specifically provide that there shall be no advertising of cigarettes or tobacco

products. This prohibition shall apply to all existing leases, permits or agreements except where its application would impair obligations of contract. (Added by Ord. 186-92, App. 6/22/92)

SEC. 4.21. NAMING THE CIVIC AUDITORIUM FOR BILL GRAHAM.

The Civic Auditorium is hereby named for, and in honor of, Bill Graham, and shall be referred to as the "Bill Graham Civic Auditorium." (Added by Ord. 336-92, App. 11/6/92)

SEC. 4.22. NAMING THE HALL OF JUSTICE FOR THOMAS J. CAHILL.

The Hall of Justice, located at 850 Bryant Street, is hereby named for, and in honor of, Thomas J. Cahill, and shall be referred to as the "Thomas J. Cahill Hall of Justice." (Added by Ord. 107-94, App. 3/11/94)

SEC. 4.23. RENTAL DEPOSITS; BILL GRAHAM CIVIC AUDITORIUM AND MOSCONE CENTER CONVENTION CENTER.

The Convention Facilities Director, with the approval of the Director of Administrative Services, upon the cancellation of an advance reservation for space in the Civic Auditorium and the Moscone Convention Center, or either of them, and for which a money deposit has been made, is empowered to refund such deposit, in whole or in part, provided the Convention Facilities Director determines the best interests of the City and County will be served thereby and there is deducted from such refund any loss or expense suffered by the City and County. Refund of deposits shall be made in accordance with procedures established by the Controller. (Formerly Sec. 10.43-5; added by Ord. 619-59, App. 12/1/59; amended by Ord. 278-96, App. 7/3/96; amended and renumbered by Ord. 315-00, File No. 001910, App. 12/28/2000)

SEC. 4.24. PARKING FEE FOR CITY PARKING FACILITIES.

Where the City provides parking to City employees or to City tenants at facilities under the City's management or control, the City may charge

the following monthly fee for parking to those employees or tenants:

The price of a Municipal Railway monthly pass plus \$10.00, or the existing amount being charged as of May 31, 2004, whichever is higher.

This section shall not apply to parking facilities under the management or control of the San Francisco Parking Authority, the Airport, or the Port. (Added by Ord. 182-04, File No. 040743, 7/22/2004)

SEC. 4.25. NAMING THE CITY-OWNED STADIUM "CANDLESTICK PARK."

The City-owned sports stadium located at Candlestick Point, at Jamestown Street and Harney Way, is hereby named and shall be referred to as "Candlestick Park." This ordinance shall not apply to any privately-owned facility that may in the future be constructed at that location. (Added by Proposition H, 11/2/2004)

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SEC. 5.5. CREATED; CONSIDERATION OF PENDING STATE LEGISLATION.

Any proposal for the enactment of legislation affecting in any way the interests or welfare of the City and County, which is pending before the State Legislature or which may be considered for presentation to the Legislature, shall be initiated by or referred to a committee, hereby created, which shall be designated as the State Legislation Committee of the City and County. (Ord. No. 8308 (1939), Sec. 1)

SEC. 5.6. DUTY TO STUDY PROPOSALS AND MAKE RECOMMENDATIONS.

It shall be the duty of the State Legislation Committee to study all proposals enumerated in the preceding section and to formulate recommendations for endorsement, opposition or neutrality with respect thereto, as matters of policy of the City and County. (Ord. No. 8308 (1939), Sec. 2)

SEC. 5.7. COMPOSITION; CHAIRMAN.

The members of the State Legislation Committee shall be the Mayor, who shall act as chair, the City Attorney, two members of the Board of Supervisors to be designated by the President of the Board of Supervisors, the Controller, the Assessor and the Treasurer.

Each of the above-named members may designate a duly authorized representative to attend the meeting in his or her absence. (Amended by Ord. 245-78, App. 5/26/78; Ord. 278-96, App. 7/3/96)

SEC. 5.8. MEETINGS.

Places, dates and times of meetings of the State Legislation Committee shall be prescribed by the chair. (Ord. No. 8308 (1939), Sec. 4)

SEC. 5.9. REPORT OF PROCEEDINGS.

A report of the proceedings of each regular or special meeting of the State Legislation Committee and the recommendations made thereat shall be submitted to the Board of Supervisors not later than the next regular business day following such meeting. (Added by Ord. 245-78, App. 5/26/78)

SEC. 5.10. ACTION BY COMMITTEE IN ABSENCE OF ACTION BY BOARD OF SUPERVISORS.

The Board of Supervisors, by resolution, may take such action upon any recommendation of the State Legislation Committee as it deems necessary or desirable, but in the absence of any such action by the Board of Supervisors, the State Legislative Representative is hereby authorized to take suitable action consonant with any such recommendation of the State Legislation Committee as the policy of the City and County. (Ord. No. 8308 (1939), Sec. 6)

SEC. 5.11. ESTABLISHMENT OF POLICY WITHOUT REFERENCE TO COMMITTEE.

Nothing contained in this Article shall preclude the Board of Supervisors from establishing policy with respect to any matter of proposed state legislation, without reference to or report from the State Legislation Committee, if in the Board's discretion such reference or report is inadvisable or inexpedient. (Ord. No. 8308 (1939), Sec. 7)

ARTICLE IV: PEDESTRIAN SAFETY ADVISORY COMMITTEE

- Sec. 5.20. Findings; Establishment and Organization.
Sec. 5.21. Duties of the Committee.

SEC. 5.20. FINDINGS; ESTABLISHMENT AND ORGANIZATION.

(a) The Board of Supervisors finds and declares that it is in the public interest to officially recognize walking as an important component of our transportation system, and as a key component to creating livable and suitable communities. Accordingly, the Board of Supervisors seeks to develop and implement focused policies that encourage pedestrian safety, education, and convenience in transportation and city planning.

Over the past fifty years, many American cities, including San Francisco, have seen a dramatic shift away from pedestrian and public transportation toward a reliance on the private automobile for primary transportation. In that same time period, the City has seen a reduction of its public walkways, pedestrian right-of-ways, and valuable inner-city green spaces.

In San Francisco, as throughout the world, the quality of urban life is being threatened by encroaching environmental actors. San Franciscans also suffer from increasing poor air quality, elevated noise levels, increased traffic congestion, longer trip times, and diminishing public space. These and other factors have led San Francisco to adopt a Transit-First policy favoring public transportation, bicycles, and pedestrian travel over the use of automobiles.

The City's streetscape is similar to many cities and towns in Europe. Narrow streets and interesting destinations combine to make our streets conducive to walking. Encouraging pedestrian presence on our City's streets and sidewalks not only reduces our City's reliance on the automobile, but also helps create communities and neighborhoods that are deemed livable and desirable. Better pedestrian planning and policies will not only serve the approximately 10% of

San Franciscans who walk to work on a regular basis, but also all visitors to and residents of San Francisco because each person is a pedestrian at some point in every trip they take.

San Francisco has an unusually high rate of pedestrian injuries for a city its size. In the past five years, nearly 5,000 pedestrians have been injured on city streets, and over 130 people have been killed. Our seniors, youth, and citizens with disabilities are especially at risk for being injured and/or killed in a motor vehicle collision. Nationally, pedestrians account for only 13% of traffic fatalities and 2.2% of traffic injuries. However, in San Francisco, they account for more than half of the motor-vehicle related deaths and about one-third of the hospitalizations and have outnumbered or equaled car occupants in traffic fatalities in San Francisco in nine of the past ten years.

(b) There shall be established a Pedestrian Safety Advisory Committee. This Advisory Committee, composed of concerned and informed residents, will provide a source of expertise on issues concerning pedestrian safety, convenience, ambience, and planning.

The Advisory Committee shall consist of eleven voting members appointed by the Board of Supervisors. The member shall consist of representative from the following categories:

- (1) Three (3) representatives from pedestrian safety organizations;
- (2) Two (2) representatives from senior or disability organizations;
- (3) One (1) representative from bicycle or other non-motorized wheeled personal transport organizations;
- (4) One (1) representative from transit or environmental organizations;
- (5) One (1) representative from child advocate or school support organizations;
- (6) One (1) representative from a public health organization;

(7) Two (2) at-large representatives.

(c) In addition to the eleven voting members, the following City departments shall select and send a non-voting representative to Advisory Committee meeting: the Department of Parking and Traffic, the Department of Public Health, the Municipal Railway, the Department of Public Works, the Planning Department, the Police Department, the Recreation and Parks Department, District Attorney's Office, the Mayor's Office on Disability, and any other City departments whose work impacts pedestrians. All City departments, commissions, boards and agencies shall cooperate with the Advisory Committee in conducting its business. The Board of Supervisors also requests that the Transportation Authority, San Francisco Unified School District, the Redevelopment Agency, and the Golden Gate National Park Service assist in the work of the Advisory Committee.

(d) Advisory Committee members shall serve at the pleasure of the Board of Supervisors. In addition, an Advisory Committee member's term shall expire by operation of law upon the issuance by the clerk of the Committee a notification adopted by the Advisory Committee certifying that the member in question has three consecutive unexcused absences from meetings of the Advisory Committee.

(e) The term of each Advisory Committee member shall be two years; provided, however, that the member initially appointed shall, by lot, classify their terms so that half of the members will serve a one year term and half will serve a two year term. In the event a vacancy occurs during the term of office of any member, a successor shall be appointed to complete the unexpired term of office vacated.

(f) At the initial meeting of the Advisory Committee, and annually thereafter, the members of the Advisory Committee shall select a Chair, and any other officers as deemed necessary by the Advisory Committee.

(g) The Advisory Committee shall establish rules for its own organization and procedures and shall meet when necessary as determined by the Advisory Committee. All meetings shall, except as provided by law, be open to the public.

(h) The Advisory Committee shall be supported by the Department of Parking and Traffic to the extent that funding and staff resources permit. The Board of

Supervisors urges the Department of Parking and Traffic to include in its proposed budget funds sufficient to cover the cost of mailing, reproduction and other activities needed to complete the work of the Advisory Committee. In addition, an interdepartmental report on pedestrian issues and current projects will be presented to the Advisory Committee on a monthly basis by staff from the Department of Parking and Traffic. (Added by Ord. 85-02, File No. 012133, App. 6/7/2002)

SEC. 5.21. DUTIES OF THE COMMITTEE.

(a) The Pedestrian Safety Advisory Committee shall have the power and duty to:

(1) Create subcommittees as necessary;

(2) Make recommendations to the Board of Supervisors and other City departments, commissions, boards and agencies in order to improve pedestrian safety and ambiance;

(3) Develop concepts and review policies and planning efforts regarding pedestrian improvements including, but not limited to, issues of safety, traffic calming, education, and sidewalk and crosswalk treatments;

(4) Make recommendations on funding opportunities and priorities to the Board of Supervisors, the Municipal Transportation Agency, the Citizens Advisory Committee of the Transportation Authority, and other departments, commissions, boards and agencies;

(5) Review and make recommendations on policies and programs related to pedestrians in the Transportation Element of the Master Plan of the City and County of San Francisco, and make recommendations on the goals and their implementation to the Planning Commission;

(6) Report to the Board of Supervisors on an annual basis, with quarterly appearances before the Board of Supervisors as needed, on statistics on pedestrian injury and fatality statistics, causes of pedestrian injuries and fatalities, recommendations for changes in policies, funding and enforcement, and other pertinent issues;

(7) Support the development of a Pedestrian Master Plan, in conjunction with city agencies and community input, which will offer a comprehensive review of the policies, procedures, practices and

physical infrastructure of the City that affect pedestrians, and will also provide recommendations to make walking safer and more convenient through sidewalk improvements, new City policies, educational programs, promotional efforts and transit access. (Added by Ord. 85-02, File No. 012133, App. 6/7/2002)

[The next page is number 119.]

ARTICLE V: BOND OVERSIGHT COMMITTEES

Editor's note: Sections 5.30 through 5.36 as originally enacted by the electorate in Proposition F on March 5, 2002, were numbered as Sections 5.1 through 5.8. Because the Administrative Code already contained sections with those numbers and because Proposition F itself contained other clerical inconsistencies, the editor has renumbered this article as Sections 5.30 through 5.36 and accordingly revised internal references in the text to the new numbering. Sections 5A.30 through 5A.36, as originally enacted by the electorate in Proposition P on November 5, 2002, were numbered as Sections 5.30 through 5.36. Because this article already contained sections with those numbers, the editor has renumbered the provisions of Proposition P as Sections 5A.30 through 5A.36, and accordingly revised internal references in the text to the new numbering.

Citizens' General Obligation Bond Oversight Committee

- Sec. 5.30. Establishment.
- Sec. 5.31. Purpose.
- Sec. 5.32. Public Meetings.
- Sec. 5.33. Membership.
- Sec. 5.34. Waste.
- Sec. 5.35. General Obligation Bond Ordinances.
- Sec. 5.36. Application.

Public Utilities Revenue Bond Oversight Committee

- Sec. 5A.30. Findings.
- Sec. 5A.31. Establishment and Purpose.
- Sec. 5A.32. Public Meetings.
- Sec. 5A.33. Membership.
- Sec. 5A.34. Illegal Expenditures.
- Sec. 5A.35. Application.
- Sec. 5A.36. Sunset and Severability.

CITIZENS' GENERAL OBLIGATION BOND OVERSIGHT COMMITTEE

SEC. 5.30. ESTABLISHMENT.

The Board of Supervisors of the City and County of San Francisco (the "Board") shall establish and appoint members to an independent citizens' general obligation bond oversight committee (the "committee"), pursuant to Section 5.32 hereof, prior to issuing any general obligation bonds (the "bonds") subsequent to the effective date of this measure. (Added by Proposition F, 3/5/2002)

SEC. 5.31. PURPOSE.

(a) The purpose of the committee shall be to inform the public concerning the expenditure of general obligation bond proceeds. The committee shall actively review and report on the expenditure of taxpayers' money in accordance with the voter authorization. The committee shall convene to provide oversight for: (1) ensuring that bond revenues are expended only in accordance with the ballot measure, and (2) ensuring that no funds are used for any administrative salaries or other general governmental operating expenses, unless specifically authorized in the ballot measure for such bonds. The committee has

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- Sec. 5.30. Establishment.
- Sec. 5.31. Purpose.
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- Sec. 5.34. Waste.
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- Sec. 5.36. Application.

Public Utilities Revenue Bond Oversight Committee

- Sec. 5A.30. Findings.
- Sec. 5A.31. Establishment and Purpose.
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no power to review bond proposals prior to voter approval. Further, the committee shall not participate or interfere in the selection process of any vendor hired to execute bond funded projects.

(b) In furtherance of its purpose, the committee may engage in any of the following activities:

(1) Inquiring into the disbursement and expenditure of the proceeds of bonds approved by voters by receiving any reports, financial statements, correspondence or other documents and materials related to the expenditure of bond funds from agencies that receive proceeds from these bonds.

(2) Holding public hearings to review the disbursement and expenditure of the proceeds of bonds approved by voters.

(3) Inspecting facilities financed with the proceeds of bonds approved by voters.

(4) Receiving and reviewing copies of any capital improvement project proposals or plans developed by the City.

(5) Reviewing efforts by the City to maximize bond proceeds by implementing cost-saving measures, including, but not limited to, all of the following: (i) mechanisms designed to reduce the costs of professional fees and site preparation and design; and (ii) recommendations regarding the joint use of core facilities and use of cost-effective and efficient reusable facility plans.

(6) Commissioning independent review of the disbursement and expenditure of the proceeds of bonds approved by voters by accessing any funds set aside for this purpose under subsection (c) of this section to retain outside auditors, inspectors and necessary experts to conduct such independent review.

(c) To the extent permitted by law, each ballot measure shall provide that one-tenth of one percent of the gross proceeds from the proposed bonds be deposited in a fund established by the Controller's Office and appropriated by the Board at the direction of the committee to cover the costs of said committee. (Added by Proposition F, 3/5/2002)

SEC. 5.32. PUBLIC MEETINGS.

(a) The Board shall, without expending bond funds, provide the committee with any necessary technical assistance and shall provide administrative

assistance in furtherance of its purpose and sufficient resources to publicize the conclusions of the committee.

(b) All committee proceedings shall be subject to the California Public Records Act (Section 6254, et seq., of the Government Code of the State of California) and the City's Sunshine Ordinance (Chapter 67 of this Code). The committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the committee and all documents received and reports issued shall be a matter of public record and be made available on the Board's website. (Added by Proposition F, 3/5/2002)

SEC. 5.33. MEMBERSHIP.

(a) The committee shall consist of at least nine members to be appointed as follows: three members by the Mayor, three by the Board; two members by the Controller; and one member by the Civil Grand Jury. Each member shall serve for a term of two years without compensation and for no more than two consecutive terms.

The members appointed by the Mayor shall be comprised, as follows:

(1) One member shall be active in a business organization representing the business community located within the City.

(2) One member shall be active in a labor organization.

(3) One member shall be active in a community organization.

The members appointed by the Board shall be comprised, as follows:

(1) One member shall be active in a business organization representing the business community located within the City.

(2) One member shall be active in a labor organization.

(3) One member shall be active in a community organization.

The members appointed by the Controller shall be comprised as follows:

(1) One member with expertise in auditing governmental financial statements or with expertise in public finance law.

(2) One member with expertise in construction management.

The member appointed by the Civil Grand Jury shall be a member of the Civil Grand Jury or a designee appointed by the Civil Grand Jury.

(b) No employee or official of the City shall be appointed to the committee. No vendor, contractor, or consultant of the City that performs work funded by bonds issued by the City shall be appointed to the committee. (Added by Proposition F, 3/5/2002)

SEC. 5.34. WASTE.

If, after reviewing materials provided by an agency, department or other entity (each an "agency") receiving proceeds from the sale of bonds, the committee, after conducting its own independent audit and after consultation with the City Attorney, determines that bond proceeds were spent on purposes not authorized by the ballot measure, the committee may, by majority vote, prohibit the issuance of bonds for any remaining bond authorization.

The committee's decision to prohibit the sale of authorized, unsold bonds may be appealed by the agency to the Board within 30 days. The Board may overturn this decision by a supermajority vote of the members present at the meeting at which the matter is presented.

The prohibition on the issuance of bonds for any remaining bond authorization may be lifted by the Board after the agency provides the committee and the Board with documentation of corrective action satisfactory to the Board. (Added by Proposition F, 3/5/2002)

SEC. 5.35. GENERAL OBLIGATION BOND ORDINANCES.

All bond ordinances introduced after the effective date of this ordinance shall contain a statement incorporating the provisions of this ordinance in such bond ordinance. (Added by Proposition F, 3/5/2002)

SEC. 5.36. APPLICATION.

This Article V shall apply to all general obligation bonds with unexpended proceeds, except for Section 5.31(c) which shall apply only to bond authorizations approved by voters subsequent to the effective date of this ordinance. (Added by Proposition F, 3/5/2002)

PUBLIC UTILITIES REVENUE BOND OVERSIGHT COMMITTEE

SEC. 5A.30. FINDINGS.

The people of the City and County find and declare that:

(a) The City's 100-year-old water, power and clean water public utility infrastructure is suffering from decades of deferred maintenance. The regional water collection and transmission system, stretching from the Tuolumne River headwaters at Hetch Hetchy to the San Francisco County Line, supplies water to the City as well as to 1.7 million residents and businesses in Alameda, Santa Clara and San Mateo Counties. This system is in need of substantial repair and/or replacement. In the event of system failure, the City and its suburban customers could be without water for up to 30 days, with portions of the service area going without water for as long as 60 days. The water distribution and wastewater treatment systems within the City are in a similar state of deterioration, threatening the health and welfare of City residents, visitors and the business community.

(b) Over the past 25 years, funds for upgrading the water collection and power generation facilities of Hetch Hetchy have been in short supply. During this same period, the waste water treatment plants have aged to the point where significant capital improvements are necessary in order for the City to remain in compliance with applicable federal and state water quality regulations.

(c) The San Francisco Public Utilities Commission ("PUC") has never prepared an integrated and coordinated long-term strategic plan consisting of a capital improvement program, a long-range financial plan, an assessment of future utility needs and the evaluation of alternative technologies, private-public partnerships and non-rate payer revenue enhancements. Focusing on short-term planning, the PUC has turned out a series of bond issues, such as Propositions A and B in 1997, which have been promoted to the voters on the basis of broad project generalities. Even within the PUC itself, the list of projects earmarked for specific bond revenues are in a constant state of flux. Projects are frequently delayed and often uncompleted years after funding was approved by the voters.

(d) Over the past 20 years, the PUC has readily consented to the transfer of "surplus" Hetch Hetchy revenues to the City's general fund. Conservatively, these transfers have cost the PUC more than \$500 million. During this same period of time, the utility infrastructure deteriorated and rates escalated dramatically.

(e) The PUC estimates that over the next 20 years, the cost of needed capital improvement projects will amount to hundreds of millions of dollars. Although the PUC's capital improvement list undoubtedly contains individual projects that should go forward as soon as practicable, the design, bidding and contract drafting process often takes years to complete. In the absence of long-term strategic planning, individual projects have been frequently delayed and, in some cases, actually abandoned as funding and project priorities unaccountably shifted over time.

(f) The health and welfare of all of the PUC's customers would be promoted by the creation of a qualified body committed to a persistent, vigorous and independent review of the expenditure of revenue bond funds for the PUC's capital improvement program over the next decade. An on-going review of this kind would be of material assistance to both the PUC and the Board of Supervisors ("Board") in ensuring that the program is carried out in compliance with all applicable laws. (Added by Proposition P, 11/5/2002)

SEC. 5A.31. ESTABLISHMENT AND PURPOSE.

(a) There is hereby established a Public Utilities Revenue Bond Oversight Committee (the "Committee"), which shall have the responsibility of reporting publically to the Mayor, the PUC and the Board of Supervisors ("Board") regarding the PUC's (or, to the extent allowed by law, any charter entity succeeding to the PUC's authority related to expenditure of revenue bonds) expenditure of revenue bond proceeds on the repair, replacement, upgrading and expansion of the City's water collection, power generation, water distribution and wastewater treatment facilities.

(b) The Committee shall provide oversight to ensure that: (1) The proceeds from revenue bonds

authorized by the Board and/or the voters of the City are expended in accordance with the authorizing bond resolution and applicable law; (2) Bond proceeds are expended solely for uses, purposes and projects authorized in the bond resolution; and (3) Revenue bond funds are appropriately expended for authorized capital improvements so that an uninterrupted supply of water and power continues to flow to the City and to the PUC's customers. The Committee may comment to the Board of Supervisors on the development and drafting of proposed legislation pertaining to PUC revenue bonds prior to a Board determination regarding whether to submit a measure for voter approval or authorizing the issuance of revenue bonds, if voter approval is not otherwise required. The Board is not required to accept the Committee's comments or recommendations on such bond proposals. Further, the Committee shall not participate or interfere in the selection process of any vendor hired to execute bond funded projects.

(c) In furtherance of its purpose, the Committee may engage in any of the following activities:

(1) Inquiring into the disbursement and expenditure of the proceeds of PUC revenue bonds authorized and issued in accordance with the San Francisco Charter by receiving any and all reports, financial statements, correspondence or other documents and materials requested by the Committee related to the expenditure of revenue bond funds by the PUC;

(2) Holding public hearings to review the disbursement and expenditure of the proceeds of such revenue bonds;

(3) Inspecting facilities financed with the proceeds of such revenue bonds;

(4) Receiving and reviewing copies of any capital improvement project proposals or plans developed by the PUC related to the City's water, power or wastewater infrastructure and funded by bond proceeds;

(5) Reviewing efforts by the City to maximize bond proceeds by implementing cost-saving measures, including, but not limited to, all of the following: (i) mechanisms designed to reduce the costs of professional, consulting and similar fees and expenses related to site preparation and project design; (ii) recommendations regarding the cost-effective and

efficient use of core facilities; (iii) developing and using alternate technologies; and, (iv) accessing other sources of infrastructure funding, excluding bond refunding; and,

(6) Commissioning independent review and evaluation of the disbursement and expenditure of the proceeds of such revenue bonds by accessing any funds set aside for this purpose under subsection (d) of this section to retain outside auditors, inspectors and necessary experts to conduct such independent review.

(d) To the extent permitted by law, in accordance with Sections 5A.35(c) and (d) of this Article, from and after the effective date of this Ordinance one-twentieth of one percent of the gross proceeds from each issuance or sale of public utility revenue bonds shall be deposited in a fund established by the Controller's Office and appropriated by the Board at the direction of the Committee to cover the costs of said Committee.

(e) The Board shall, without expending revenue bond funds, provide the Committee with appropriate clerical, technical and administrative assistance in furtherance of its purpose and provide sufficient resources to publicize the conclusions and recommendations of the Committee. (Added by Proposition P, 11/5/2002)

SEC. 5A.32. PUBLIC MEETINGS.

All Committee proceedings shall be subject to the California Public Records Act (Sections 6250, et seq., of the Government Code of the State of California), the City's Sunshine Ordinance (Chapter 67 of this Code) and the Ralph M. Brown Act (Government Code Sections 54950, et. seq.). The Committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year. Minutes of the proceedings of the Committee, and all reports issued by the Committee, shall be a matter of public record and made available on the City's website. (Added by Proposition P, 11/5/2002)

SEC. 5A.33. MEMBERSHIP.

(a) The Committee shall consist of seven members to be appointed as follows: two members by the Mayor; two members by the Board; one member by the Controller; and one member by the governing body of the Bay Area Water Users Association. The seventh member shall be the Budget Analyst for the Board or his/her representative.

(b) At a minimum, the members appointed by the Mayor and the Board shall, individually or collectively, have expertise, skills and experience in economics, the environment, construction and project management. The member appointed by the Controller shall have background and experience in auditing, accounting and project finance.

(c) Except as expressly authorized herein, no current officer or employee of the City shall be appointed to the Committee. All members of the Committee shall be subject to applicable conflict-of-interest provisions of local and state law. No vendor, contractor or consultant of the City that performs work funded by bonds issued by the City shall be appointed to the Committee.

(d) Each Committee member will serve for no more than two consecutive terms. Upon their initial appointment, three members of the Committee shall be assigned by lot an initial term of two years and the remaining four members shall have an initial term of four years. Thereafter, each Committee member shall serve a four-year term.

(e) Each Committee member, except City employees appointed to serve as part of their official City duties and the Budget Analyst or employees of the Budget Analyst, shall be compensated at a rate of \$100.00 per month during each year of the member's term of office. Such compensation shall be appropriated by the Board without expending revenue bond funds therefor. (Added by Proposition P, 11/5/2002)

SEC. 5A.34. ILLEGAL EXPENDITURES.

(a) If, after conducting all appropriate reviews and independent audit of actual expenditures of revenue bond proceeds by the PUC (or, to the extent allowed by law, any charter entity succeeding to the PUC's authority related to expenditure of revenue bonds), the Committee, after consultation with the City Attorney, determines that revenue bond proceeds are being or have been expended for purposes not authorized by the authorizing bond resolution or otherwise amount to an illegal expenditure or illegal waste of such revenue bond proceeds within the meaning of applicable law, the Committee may, by majority vote of all its members, prohibit the further issuance or sale of authorized public utility revenue bonds which have yet to be issued or sold.

(b) A decision by the Committee to prohibit the issuance and sale of authorized but as yet unissued or unsold revenue bonds may be appealed by the PUC to the Board within 30 days of the Committee's decision. By two-thirds vote of all its members, the Board by resolution may overturn the Committee's decision and remand the matter to the Committee for further consideration consistent with the views expressed by the Board in its resolution.

(c) Alternatively, the Committee's prohibition on the issuance or sale of authorized but unissued or unsold revenue bonds may be vacated by two-thirds vote of all the members of the Board, if the PUC, in response to the report of the Committee, provides evidence of corrective measures satisfactory to the Board. (Added by Proposition P, 11/5/2002)

SEC. 5A.35. APPLICATION.

(a) All public utilities revenue bond authorizations approved either concurrent with or after the effective date of this Ordinance shall be subject to the provisions set forth herein.

(b) All bond authorizations introduced at the Board after the effective date of this Ordinance shall contain a statement incorporating the provisions of this Ordinance in such bond resolution.

(c) The provisions of this Ordinance shall also apply to all PUC public utility revenue bonds authorized, issued or offered for sale after July 1, 2002.

(d) Section 5A.30 (d) of this Article shall only apply to PUC revenue bonds authorized after the effective date of this Article. (Added by Proposition P, 11/5/2002)

SEC. 5A.36. SUNSET AND SEVERABILITY.

(a) Unless the Board by ordinance re-authorizes the provisions of this Ordinance for a specified period of years, the provisions of this Ordinance shall expire on January 1, 2013.

(b) If any part or provision of this Ordinance or its application to any person or circumstance is held invalid for any reason, the remainder of this Ordinance, including its application to other persons

or circumstances, shall not be affected by such a holding, and shall continue in force and effect. To this end, the provisions of this Ordinance are severable.

(c) The validity of the authorization and issuance of any bonds is not dependent on and shall not be affected in any way by any failure by the Committee, to act in accordance with the provisions of this Ordinance. (Added by Proposition P, 11/5/2002)

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ARTICLE VI: COMMISSION ON THE AGING

- Sec. 5.50. Definitions.
Sec. 5.52. Commission Designated Area Agency on Aging.
Sec. 5.53. Powers and Duties of the Commission.
Sec. 5.54. Advisory Council.

SEC. 5.50. DEFINITIONS.

(a) **Commission.** The Commission on the Aging.

(b) **Council.** The Advisory Council.

(c) **Member.** A member of the Commission on the Aging. (Added by Ord. 500-80, App. 10/29/80)

SEC. 5.52. COMMISSION DESIGNATED AREA AGENCY ON AGING.

Pursuant to federal law, the Commission is hereby designated the Area Agency on Aging for the City and County of San Francisco. (Added by Ord. 500-80, App. 10/29/80)

SEC. 5.53. POWERS AND DUTIES OF THE COMMISSION.

In addition to powers under the Charter, the Commission shall have the following powers and duties:

(a) To develop, as the Area Agency on Aging, policy goals for the City and County of San Francisco in the form of an Area Plan as specified by federal regulations. Such plan is to be subject to the review and approval of the Mayor and the Board of Supervisors;

(b) To provide a comprehensive and coordinated service delivery system for senior citizens through the implementation and monitoring of the Area Plan pursuant to federal regulations set forth above by: (1) establishing standards, and (2) assessing services needed, (3) awarding subgrants (4) and providing

technical assistance and monitoring of service providers under the plan;

(c) To establish an Advisory Council to advise the Commission in accordance with federal law and regulations;

(d) To serve as advocate and focal point for Senior Citizens' Programs; and

(e) To make an annual report to the Board of Supervisors regarding the accomplishments of the Commission and the Council in terms of service, delivery and coordination and development of senior resources in the City and County of San Francisco. (Amended by Ord. 248-85, App. 5/23/85)

SEC. 5.54. ADVISORY COUNCIL.

The Commission shall establish an Advisory Council ("Council"), not to exceed 22 members, 11 of whom shall be appointed by the Commission and 11 appointed by the Board of Supervisors. The Council shall be representative of the geographic and ethnic populations of the City and County of San Francisco by districts, which districts shall be determined by the Commission. More than 50 percent of the members of each such group of 11 members shall be persons who are 60 years of age or older. The Council shall include service providers, older persons with the greatest socio and economic need, consumers, and others specified by federal regulation. Council members shall collect all appropriate information in order to provide the Commission with advice in the Commission's decision-making on the needs, assessments, priorities, programs and budgets concerning older San Franciscans.

Pursuant to federal regulations, the Commission shall develop and adopt bylaws for the Council. Such bylaws shall specify the role and functions of the Council, number of members, procedures for selecting members, term of membership, and the frequency of

meetings. The Advisory Council shall meet at least 10 times per year. The Council shall be compensated in the same manner as the Commission for the Advisory Council meetings and Commission committee meetings at which they serve. (Amended by Ord. 248-85, App. 5/23/85)

ARTICLE VII: STREET UTILITIES COORDINATING COMMITTEE AND CITIZENS ADVISORY COMMITTEE FOR STREET UTILITY CONSTRUCTION

- Sec. 5.60. Street Utilities Coordinating Committee.
- Sec. 5.61. Street Utilities Coordinating Committee—Meetings.
- Sec. 5.62. Street Utilities Coordinating Committee—Duties.
- Sec. 5.63. Street Utilities Coordinating Committee—Subcommittees.
- Sec. 5.64. Citizens Advisory Committee for Street Utility Construction.
- Sec. 5.65. Citizens Advisory Committee for Street Utility Construction—Meetings.
- Sec. 5.66. Citizens Advisory Committee for Street Utility Construction—Duties.

SEC. 5.60. STREET UTILITIES COORDINATING COMMITTEE.

There is hereby established a committee to be known as the Street Utilities Coordinating Committee consisting of the Director of Public Works, who is to act as chair; a representative from the Department of City Planning; a representative from the Citizens Advisory Committee to the Street Utilities Coordinating Committee who shall be selected by the Advisory Committee from those members of the above committee representing citizen input only and not from any utility or City department; and one senior management representative from each of the following: San Francisco Department of Telecommunications and Information Services; San Francisco Water Department; Hetch Hetchy Water and Power System; San Francisco Police Department; Pacific Gas and Electric Company, Gas Division; Pacific Gas and Electric Company, Electric Division; Pacific Telephone Co.; Western Union; and

Television Signal Corporation. (Added by Ord. 273-74, App. 6/6/74; amended by Ord. 317-96, App. 8/8/96; Ord. 192-99, File No. 990879, App. 7/1/99)

SEC. 5.61. STREET UTILITIES COORDINATING COMMITTEE—MEETINGS.

Places, dates and times of meetings shall be as prescribed by the chair. (Added by Ord. 273-74, App. 6/6/74)

SEC. 5.62. STREET UTILITIES COORDINATING COMMITTEE—DUTIES.

This committee shall be charged with the responsibility of formulating policy as it affects the use of public streets by public and private utilities, such as overall traffic regulations during utility construction or maintenance; utility advance planning, and other means to insure minimum disruption and inconvenience to the general public using the surface of the streets; utility joint trenches; utility tunnels; and condition of trench repairs. (Added by Ord. 273-74, App. 6/6/74)

SEC. 5.63. STREET UTILITIES COORDINATING COMMITTEE—SUBCOMMITTEES.

There are hereby established two subcommittees to the Street Utility Coordinating Committee as follows:

(a) **Committee for Utility Liaison on Construction and Other Projects (CULCOP).** This subcommittee shall consist of staff level personnel from the Bureau of Engineering of the Department of Public Works; San Francisco Department of Telecommunications and Information Services; San Francisco Water Department; Hetch Hetchy Water

and Power System; Municipal Railway; San Francisco Fire Department; San Francisco Department of Electricity; San Francisco Redevelopment Agency; Pacific Gas and Electric Company, Gas Division; Pacific Gas and Electric Company, Electric Division; Pacific Telephone Company; Western Union and the Television Signal Corporation. The chair shall be a representative of the Bureau of Engineering as designated by the City Engineer. Meetings shall be monthly at a time and place designated by the chair. The duties of this subcommittee will be to work out scheduling of utility work that is connected with Department of Public Works projects and to plan the utilities undergrounding construction program.

(b) **Committee for Planning Utility Construction Program.** This subcommittee shall consist of representatives of the Department of Public Works; San Francisco Department of Telecommunications and Information Services; San Francisco Water Department; Hetch Hetchy Water and Power System; San Francisco Police Department; Pacific Gas and Electric Company, Gas Division; Pacific Gas and Electric Company, Electric Division; Pacific Telephone Company; Western Union, and Television Signal Corporation. The chair shall be a representative of the Department of Public Works as designated by the Director of Public Works. Meetings shall be at the call of the chair. This subcommittee shall be responsible for detailed planning of a 12 months construction program of all street utilities, exclusive of Public Works Department projects which are financed wholly or in part by gas tax or ad valorem funds and utilities undergrounding program, including traffic regulations during utility construction or maintenance, and other duties as assigned by the Street Utilities Coordinating Committee. The Director of Public Works shall transmit to private utility companies and to said subcommittee a list of approved gas tax and ad valorem projects, as soon as such projects are approved by the Board of Supervisors (Added by Ord. 273-74, App. 6/6/74, amended by Ord. 192-99, File No. 990879, App. 7/1/99).

SEC. 5.64. CITIZENS ADVISORY COMMITTEE FOR STREET UTILITY CONSTRUCTION.

There is hereby established a committee to be

known as the Citizens Advisory committee for Street Utility Construction consisting of 21 members to be appointed by the Mayor as follows: one representative from each of the following: Department of Public Works; San Francisco Department of Telecommunications And Information Services; Police Department; Water Department; Municipal Railway; Pacific Gas and Electric Company, Gas Division; Pacific Gas and Electric Company, Electric Division; Pacific Telephone Company; Western Union, Television Signal Corporation; San Francisco Planning and Urban Renewal Association; Greater San Francisco Chamber of Commerce; San Francisco Council of District Merchants Association, Associated General Contractors of California; organized labor. Downtown Association; and six members selected from neighborhood organizations representing the various neighborhoods within the City. The committee shall elect a chair from the membership thereof. Any member may delegate an alternate within his or her respective organization to represent him or her at any meeting of the committee in the member's absence. Vacancies on the committee shall be filled by the Mayor in the manner herein provided for the appointment of the original members. (Added by Ord. 273-74, App. 6/6/74; amended by Ord. 278-96, App. 7/3/96, Ord. 192-99, File No. 990879, App. 7/1/99)

SEC. 5.65. CITIZENS ADVISORY COMMITTEE FOR STREET UTILITY CONSTRUCTION—MEETINGS.

Places, dates and times of meetings shall be as prescribed by the chair (Added by Ord. 273-74, App. 6/6/74)

SEC. 5.66. CITIZENS ADVISORY COMMITTEE FOR STREET UTILITY CONSTRUCTION—DUTIES.

The duties of the committee shall be to secure citizens' input concerning general problems relating to the use of any digging-up of streets and sidewalks by utility companies or city departments, and to recommend to the Street Utilities Coordinating Committee ways and means to alleviate these problems (Added by Ord. 273-74, App. 6/6/74)

ARTICLE VIII: [RESERVED]

ARTICLE IX: [RESERVED]

Sec. 5.90.

(Amended by Ord. 356-82, App. 7/22/82; Ord. 303-90, App. 8/23/90; Ord. 192-99, File No. 990879, App. 7/1/99; repealed by Ord. 118-00, File No. 000478, App. 6/2/2000)

Sec. 5.91.

(Amended by Ord. 151-80, App. 4/18/80; Ord. 192-99, File No. 990879, App. 7/1/99; repealed by Ord. 118-00, File No. 000478, App. 6/2/2000)

ARTICLE X: [RESERVED]

ARTICLE XI: VETERANS' AFFAIRS COMMISSION

- Sec. 5.100. Creation of Council.
- Sec. 5.101. Purpose.
- Sec. 5.102. Membership.
- Sec. 5.103. Organization and Terms of Office.
- Sec. 5.104. Powers and Duties.
- Sec. 5.105. Report.
- Sec. 5.106. Meetings.
- Sec. 5.107. Rules and Regulations.

SEC. 5.100. CREATION OF COUNCIL.

There is hereby established the Veterans' Affairs Commission (hereinafter Commission) of the City and County of San Francisco. (Added by Ord. 449-82, App. 9/16/82; amended by Ord. 33-94, App. 1/21/94)

SEC. 5.101. PURPOSE.

The Veterans' Affairs Commission shall advise directly the Mayor and the Board of Supervisors on all matters affecting veterans of the Armed Forces of the United States of America, on the problems, interests and needs of veterans who are residents of the City and County of San Francisco and on the coordination of economic development, health care, and social services programs as they relate to veterans who are residents of the City and County of San Francisco. (Added by Ord. 449-82, App. 9/16/82; amended by Ord. 33-94, App. 1/21/94)

SEC. 5.102. MEMBERSHIP.

The Commission shall consist of 15 members. Eleven of the members shall be appointed by the Board of Supervisors and four of the members shall be appointed by the Mayor as follows:

- (a) At least three woman veterans;
- (b) A person who served in the Armed Forces of the United States of America and is suffering under a physical disability arising from that service, in

accordance with the definitions applied in such cases by the Veterans' Administration. (Added by Ord. 449-82, App. 9/16/82; amended by Ord. 33-94, App. 1/21/94; Ord. 224-94, App. 6/9/94; Ord. 97-97, App. 3/21/97)

SEC. 5.103. ORGANIZATION AND TERMS OF OFFICE.

(a) The term of each member of the Commission shall be four years; provided, however, that the members first appointed shall, by lot, classify their terms so that three members shall serve a one-year term, four members shall serve a two-year term, four members shall serve a three-year term and four members shall serve a four-year term. On the expiration of these and successive terms, their successors shall be appointed for a four-year term in a manner similar to that described for the initial members.

(b) In the event a vacancy occurs during the term of office of any member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described for the initial members.

(c) The Commission shall elect a chairperson from among its appointed members. The term of office as chairperson shall be for the calendar year or for the portion thereof remaining after each such chairperson is elected.

(d) Services of the members of the Commission shall be voluntary and members will serve without compensation. (Added by Ord. 449-82, App. 9/16/82; amended by Ord. 33-94, App. 1/21/94)

SEC. 5.104. POWERS AND DUTIES.

The Commission shall have the power and duty to:

(a) Hold hearings and submit recommendations to the Board of Supervisors and the Mayor regarding the problems, interests and needs of veterans;

(b) Make recommendations to the Board of Supervisors and the Mayor concerning the coordination of economic development health care and social services programs as they relate to veterans who are residents of the City and County of San Francisco. (Added by Ord. 449-82, App. 9/16/82; amended by Ord. 33-94, App. 1/21/94)

SEC. 5.105. REPORT.

The Commission shall render annually a written report of its activities to the Board of Supervisors and the Mayor. (Added by Ord. 449-82, App. 9/16/82; amended by Ord. 33-94, App. 1/21/94)

SEC. 5.106. MEETINGS.

The place, date and time of meetings of the Commission shall be prescribed by rule of the Commission; provided, however that the Commission shall hold a regular meeting not less than once every two months. All meetings shall, except as provided by general law, be open to the public (Added by Ord 449-82, App. 9/16/82; amended by Ord 33-94, App 1/21/94)

SEC. 5.107. RULES AND REGULATIONS.

The Commission shall adopt the necessary rules and regulations for the conduct of its business under this Article. (Added by Ord. 449-82, App 9/16/82, amended by Ord. 33-94, App. 1/21/94)

ARTICLE XIA: COUNTY VETERANS SERVICE OFFICER

- Sec. 5.108.A. Declaration of Purpose of Officer.
- Sec. 5.108.A-1. Establishment of the County Veterans Service Officer.
- Sec. 5.108.A-2. Powers and Duties.
- Sec. 5.108.A-3. Appropriation.

SEC. 5.108.A. DECLARATION OF PURPOSE OF OFFICER.

The County Veterans Service Officer is created for the purposes of assisting veterans in obtaining their federal entitlements, implementing a proactive outreach program and a Veterans Benefits Referral Program. The County Veterans Affairs Officer shall provide "full service" counseling and referral services to the entire community of veterans and the dependents or survivors of veterans of the City and County of San Francisco. (Added by Ord. 26-93, App. 1/22/93)

SEC. 5.108.A-1. ESTABLISHMENT OF THE COUNTY VETERANS SERVICE OFFICER.

The County Veterans Service Officer is hereby created on the recommendation of the Mayor and the Director of Administrative Services, and is placed under the Director of Administrative Services. The Director of Administrative Services shall recommend for Board of Supervisors approval the qualifications for serving as the County Veterans Service Officer and the compensation for the position. The Director of Administrative Services shall provide said Officer with such assistance and facilities as are necessary to carry out his or her duties. The Director of Administrative Services shall nominate for appointment by the Board of Supervisors candidates who are qualified to serve as the County Veterans Service Officer. Pursuant to California Military and Veterans Code, Section 970,

such Officer shall be a veteran. (Added by Ord. 26-93, App. 1/22/93; amended by Ord. 278-96, App. 7/3/96)

SEC. 5.108.A-2. POWERS AND DUTIES.

The County Veterans Service Officer shall have the following powers and duties:

(a) Administer aid to indigent veterans, pursuant to Section 921 of the California Military and Veterans Code, and investigate all claims, applications, or requests for aid made pursuant to these provisions. The County Veterans Affairs Officer shall provide outreach and services to homeless veterans as its main priority.

(b) Assist every veteran of any war of the United States and the dependents of every such deceased veteran in presenting and pursuing such claim as the veteran may have against the United States, arising out of war service, and in establishing the veteran's right to any privilege, preference, care, or compensation provided for by the laws of the United States or of this State.

(c) Maintain annual records for audit, and shall submit reports in accordance with procedures established by the California Department of Veteran Affairs, and shall permit the Department's representatives to inspect all facilities and records and to examine the performance of services rendered by the County Veterans Service Officer.

(d) Provide to the Board of Supervisors a semiannual report which shall consist of, but not be limited to, the following information: (1) number of indigent veterans served; (2) number of homeless veterans served; (3) amount of federal entitlements obtained; (4) actual savings to the City and County of San Francisco as a result of reductions in General Assistance payments, and any other City and County

benefit programs to veterans who qualify for veteran's benefits. (Added by Ord. 26-93, App. 1/22/93)

SEC. 5.108.A-3. APPROPRIATION.

The Director of Administrative Services shall request the appropriation of funds to compensate the County Veterans Service Officer and to fund other necessary personnel, services, and facilities as may be reasonably necessary to enable the Officer to exercise his or her power and perform duties under this Section. (Added by Ord. 26-93, App. 1/22/93; amended by Ord. 278-96, App. 7/3/96)

ARTICLE XII: [RESERVED]

ARTICLE XIII: [RESERVED]

Sec. 5.120.

(Added by Ord. 206-99, File No. 991030, App. 7/20/99; amended by Ord. 186-00, File No. 000859, App. 8/11/00; repealed by Ord. 33-04, File No. 030423, App. 3/19/2004)

Sec. 5.121.

(Added by Ord. 206-99, File No. 991030, App. 7/20/99; amended by Ord. 186-00, File No. 000859, App. 8/11/00; repealed by Ord. 33-04, File No. 030423, App. 3/19/2004)

Sec. 122.

(Added by Ord. 206-99, File No. 991030, App. 7/20/99; amended by Ord. 186-00, File No. 000859, App. 8/11/00; repealed by Ord. 33-04, File No. 030423, App. 3/19/2004)

ARTICLE XIV: BICYCLE ADVISORY COMMITTEE

- Sec. 5.130. Bicycle Advisory Committee Established.
Sec. 5.131. Organization and Terms of Office.
Sec. 5.132. Powers and Duties.

SEC. 5.130. BICYCLE ADVISORY COMMITTEE ESTABLISHED.

(a) There shall be established a Bicycle Advisory Committee (hereinafter "Advisory Committee") of the City and County of San Francisco. This Advisory Committee, composed of concerned and informed residents, will provide the best single source of expertise and perspective for transportation planners. Effective planning is the key to reducing reliance on automobiles, and, in turn, the ultimate solution to the broad environmental crisis we presently face.

(b) The Advisory Committee shall consist of 11 voting members appointed by the Board of Supervisors. Each member of the Board of Supervisors shall nominate one person for appointment to the Advisory Commission. The Advisory Committee shall provide information to the Board of Supervisors on the diversity of the Advisory Committee with regard to the age, ethnicity, gender, disability and sexual orientation of its members.

(c) In addition to the 11 voting members, the following City departments will each provide a non-voting representative to attend Advisory Committee meetings: the Police Department, the Department of Public Works, the Municipal Railway, the Department of City Planning, and the Bureau of Engineering of the Department of Parking and Traffic. The Board of Supervisors also requests that the San Francisco Unified School District and the Golden Gate National Recreation Area each be asked to send a non-voting representative to the Advisory Committee. (Added by Ord. 365-90, App. 11/9/90; Ord. 179-02, File No. 020968, App. 8/29/2002)

SEC. 5.131. ORGANIZATION AND TERMS OF OFFICE.

(a) The term of each member of the Advisory Committee shall be two years or for the tenure of the supervisor who nominated the member, whichever is shorter in duration; provided:

(1) The Board of Supervisors may remove any member of the Advisory Committee for cause at any time; and

(2) The Board of Supervisors may remove any member of the Advisory Committee without cause at any time upon request of the supervisor who nominated the member whose removal is sought.

(b) At the initial meeting of the Advisory Committee, and yearly thereafter, the Advisory Committee members shall select such officers as deemed necessary by the Advisory Committee.

(c) The Advisory Committee shall establish rules and regulations for its own organization and procedures and shall meet when necessary as determined by the Advisory Committee. All meetings shall, except as provided by law, be open to the public. (Added by Ord. 365-90, App. 11/9/90; amended by Ord. 179-02, File No. 020968, App. 8/29/2002)

SEC. 5.132. POWERS AND DUTIES.

The Advisory Committee shall have the power and duty to:

(a) Set up subcommittees as necessary;

(b) Develop a plan for bicycle-related improvements, including but not limited to bicycle routes, secure parking, and transit interface, and make recommendations to the Parking and Traffic Department, the Transportation Authority, and the Board of Supervisors on related funding from local, State and Federal agencies, including, but not limited to Transportation Development Act funds and Transportation Authority funds;

(c) Review the policies and programs related to bicycling in the Transportation Element of the Master Plan of the City and County of San Francisco, and make recommendations on the goals and their implementation to the Planning Commission of the City and County of San Francisco;

(d) Develop a plan for outreach to, and education of, the public to promote the safe sharing of public roadways, and submit the plan to the Transportation Authority. (Added by Ord. 365-90, App. 11/9/90)

ARTICLE XV: PUBLIC UTILITIES CITIZEN'S ADVISORY COMMITTEE

- Sec. 5.140. Public Utilities Citizen's Advisory Committee—Establishment and Purpose.
- Sec. 5.141. Public Utilities Citizen's Advisory Committee—Membership and Organization.
- Sec. 5.142. Reports.

SEC. 5.140. PUBLIC UTILITIES CITIZEN'S ADVISORY COMMITTEE—ESTABLISHMENT AND PURPOSE.

(a) Pursuant to Charter Section 8B.123(B), there is hereby established the Public Utilities Citizen's Advisory Committee for the purpose of providing recommendations to the General Manager of the Public Utilities Commission, the Public Utilities Commission and the Board of Supervisors on the success of the Department in achieving the Goals and Objectives set out in Section 8B.122 of the City Charter (with the exception of 8B.122(a)(2)). At a minimum, these functions will include review of and recommendations for the Public Utilities Commission's long term strategic, financial, and capital improvement plans.

(b) The Wastewater Citizen's Advisory Committee established by Board of Supervisors uncodified Resolution No. 19-73 is hereby abolished.

(c) The Public Utilities Citizen's Advisory Committee is not intended to and shall not duplicate the functions of the Public Utilities Rate Fairness Board or the Public Utilities Revenue Bond Oversight Committee. (Added by Ord. 58-04, File No. 040193, App. 4/8/2004)

SEC. 5.141. PUBLIC UTILITIES CITIZEN'S ADVISORY COMMITTEE—MEMBERSHIP AND ORGANIZATION.

(a) **Membership.** There shall be seventeen members of the Public Utilities Citizen's Advisory Committee. Each member of the Board of Supervisors shall appoint one member to the Public

Utilities Citizen's Advisory Committee who shall be a resident of the supervisorial district represented by the appointing Supervisor (and the appointee shall remain a resident of the same district in order to continue serving in that seat) and must demonstrate one or more of the following qualifications: representing a community, business, environmental, or environmental justice organization, or with demonstrated knowledge, skill or experience in a field related to public utilities, environmental justice or environmental science. Four members shall be appointed by the Mayor; one member who represents the PUC's regional water customers; one member who represents a large San Francisco water user; one City resident who has demonstrated knowledge of engineering or financial management; and one member who represents a regional or statewide environmental organization. Two members, who shall be residents of the City and County of San Francisco, shall be appointed by the President of the Board of Supervisors; one member who represents a small business in San Francisco and one member who represents an environmental justice organization.

(b) **Term.** Each member shall be appointed for a four-year term. A member may be reappointed for additional four-year terms. At any time during the term, a member may be removed from the Public Utilities Citizen's Advisory Committee by the then sitting Supervisor of his or her district (if appointed by a Supervisor), or by his or her appointing official. In the event a vacancy occurs during the term of any member, a successor shall be appointed to complete the unexpired term of the office vacated in a manner similar to that which governed the initial appointment of the member.

(c) **Compensation and Contracting.** Members of the Public Utilities Citizen's Advisory Committee shall not be compensated nor shall they be reimbursed for expenses. Members shall have no authority to enter into contracts on behalf of the City or Public Utilities Commission.

(d) **Officers.** At the first calendared meeting and thereafter at the beginning of each even-numbered calendar year, the members of the Public Utilities Citizen's Advisory Committee shall elect members to serve as chair, vice-chair, and secretary of the Committee. The chair, or vice-chair, in the absence of the chair, shall be responsible for developing agendas in consultation with the General Manager of the Public Utilities Commission, and conducting meetings. The secretary will be responsible for approving meeting minutes and committee correspondence prior to distribution.

(e) **Subcommittees.** Subcommittees for each utility operated by the Public Utilities Commission are hereby established to make recommendations to the full Committee on draft plans, policies, programs and other activities related to their respective utilities. The Water Subcommittee shall review water supply system reliability, water conservation, recycling, regional cooperation efforts, and other relevant plans, programs and policies. The Wastewater Subcommittee shall review sewage and stormwater collection, treatment and disposal system replacement, recycling, and other relevant plans, programs, and policies. The Energy Subcommittee shall review power generation and transmission system reliability and improvement programs, including but not limited to facilities siting and alternative energy programs, as well as other relevant plans, programs, and policies. The chair of the Public Utilities Citizen's Advisory Committee shall appoint a chair for each subcommittee, and shall assign members to serve on each subcommittee. The chair, with the approval or at the request of a majority of the members to the Public Utilities Citizen's Advisory Committee, may create additional subcommittees necessary to facilitate review of plans, programs, and policies, in order to fulfill their responsibilities, as stated in Section 5.140(a).

(f) Membership in subcommittees shall be open to interested members of public through a process developed by the subcommittee and adopted by the Citizens' Advisory Committee. Representation on the subcommittees by residents living near PUC facilities shall be encouraged. The subcommittees shall be created and chaired by a member of the Committee as outlined in subsection (e) above.

(g) The Public Utilities Citizen's Advisory Committee may request that the General Manager provide independent review of the Public Utilities Commission's proposals.

(h) **Meetings.** The chair of the Public Utilities Citizen's Advisory Committee shall arrange for meetings at such times and in such places as the chair and the General Manager of the Public Utilities Commission, or his or her designee, shall mutually designate and in accordance with all requirements of applicable state and local laws, except that the Committee will meet no less than 9 times per 12-month period, unless the Committee and the General Manager agree otherwise. The General Manager shall set the first meeting of the Committee no later than 30 days after the appointment of a quorum of the Committee. The meetings shall be noticed in accordance with the requirements of the Sunshine Ordinance and posted on the Public Utilities Commission's web site. Administrative and clerical functions in support of the Public Utilities Citizen's Advisory Committee shall be provided by the General Manager of the Public Utilities Commission, or his or her designees on approval of funding by the Public Utilities Commission. The chair of the committee shall consult with the General Manager of the Public Utilities Commission, or his or her designee, regarding receipt of reports and data as necessary for the performance of the committee's functions. Meetings of the Committee and subcommittees shall be conducted in accordance, when not in conflict with state and local open meeting laws, with *Robert's Rules of Order*. (Added by Ord. 58-04, File No. 040193, App. 4/8/2004)

SEC. 5.142. REPORTS.

At least annually, prior to the scheduled adoption or amendment by the Public Utilities Commission of its long term strategic plans, the Public Utilities Citizen's Advisory Committee shall prepare a report containing its overview of the status of the long term strategic plans and its recommendations regarding any proposed long term strategic plan adoption or amendment, including the strategic goals and objectives and any performance goals set forth in the plan. The report shall be provided to the Clerk of the Board of Supervisors, the General Manager of the

Public Utilities Commission and each member of the Public Utilities Commission at least two weeks prior to the Commission's consideration of a long term strategic plan adoption or amendment. Failure of the Citizen's Advisory Committee to timely submit its report shall not require a continuance of the Commission's consideration or action.

In addition, the Committee may, at any time, submit information, reports, or recommendations to the Board of Supervisors, General Manager of the Public Utilities Commission, and each member of the Public Utilities Commission. (Added by Ord. 58-04, File No. 040193, App. 4/8/2004)

[The next page is number 143.]

ARTICLE XVI: [RESERVED]

ARTICLE XVII: [RESERVED]

ARTICLE XVIII: GRAFFITI ADVISORY BOARD

- Sec. 5.170. Graffiti Advisory Board—Established.
- Sec. 5.171. Organization.
- Sec. 5.172. Purpose and Duties.
- Sec. 5.173. Staffing for the Graffiti Task Force.
- Sec. 5.174. Compensation.

SEC. 5.170. GRAFFITI ADVISORY BOARD—ESTABLISHED.

(a) There is hereby established the Graffiti Advisory Board. This Board shall be advisory to the Board of Supervisors about the problem of graffiti in neighborhoods and the downtown area of San Francisco. The Advisory Board shall also advise the Mayor and the Board of Supervisors about graffiti enforcement, cleanup and prevention strategies.

(b) There shall be 19 voting members and four nonvoting members to the Board, who shall be appointed as follows:

(1) The Mayor, or his or her designee, shall serve as a voting member;

(2) The Board of Supervisors shall appoint the following voting members:

(A) One member of the Board of Supervisors,

(B) One member representing the Youth Court,

(C) One member representing Youth Groups who provide services for juveniles involved in alternative programs for graffiti diversion,

(D) Two members representing nonprofit organizations who provide services related to the City's beautification and neighborhood cleanup programs,

(E) Two members representing businesses who operate in San Francisco, one member to represent small businesses, and the second member to represent large businesses,

(F) One member representing private schools who operate in San Francisco,

(G) One member representing the contracting agency for Municipal Railway Shelters,

(H) One at-large member knowledgeable in graffiti issues;

(3) The Board of Supervisors shall appoint the following four nonvoting members:

Four members representing neighborhood organizations from varying districts in San Francisco, comprising representation of the majority of the City's neighborhoods;

(4) The following officials and organizations shall each appoint one representative to serve on the Advisory Board as voting members:

(A) The General Manager of the Municipal Railway,

(B) The Director of Public Works,

(C) The Executive Director of the Department of Parking and Traffic,

(D) The General Manager of the Recreation and Park Department,

(E) The Sheriff,

(F) The Chief of Police,

(G) The Juvenile Court,

(H) The Board of Education of the San Francisco Unified School District.

(c) The members of the Advisory Board shall be broadly representative of the ethnic, racial, gender, age and sexual orientation diversity of the City and County. All members of the Advisory Board shall be residents of the City and County of San Francisco, in accordance with Section 8.104 of the Charter. In making appointments to the Advisory Board the appointing authorities shall appoint persons from varying backgrounds who have demonstrated abilities, skills, or experience with youth or addressing blight in neighborhoods. (Added by Ord. 353-93, App. 11/12/93)

SEC. 5.171. ORGANIZATION.

(a) In the event a vacancy occurs, a successor shall be appointed to fill the vacancy consistent with the process and requirements to appoint the previous appointee.

(b) The initial meeting of the Advisory Board shall be called within 30 days from the day the Board of Supervisors completes its initial appointments.

(c) The members of the Advisory Board shall designate the Chair of the Advisory Board. (Added by Ord. 353-93, App. 11/12/93)

SEC. 5.172. PURPOSE AND DUTIES.

The Graffiti Advisory Board shall have the duty to:

(a) Prepare and submit to the Board of Supervisors and the Mayor a report every six months on graffiti as it affects neighborhoods and the downtown area of San Francisco, which shall include a review and evaluation of the services and programs in place to respond to graffiti, prevention strategies, and recommendations and plans as to a consolidated program of public and private efforts.

(b) Advise about the coordination of information, activities and goals among existing programs funded by the City and County and privately sponsored programs;

(c) Advise about improving the efficiency in the provision of graffiti enforcement, prevention and clean-up services. (Added by Ord. 353-93, App. 11/12/93)

SEC. 5.173. STAFFING FOR THE GRAFFITI TASK FORCE.

The Department of Public Works shall provide in-kind professional and administrative staff to the Advisory Board. (Added by Ord. 353-93, App. 11/12/93)

SEC. 5.174. COMPENSATION.

Members of the Task Force shall not be compensated, nor shall they be reimbursed for expenses. (Added by Ord. 353-93, App. 11/12/93)

ARTICLE XIX: FAMILY VIOLENCE ADVISORY COUNCIL

- Sec. 5.190. Establishment and Purpose—Family Violence Advisory Council.
- Sec. 5.190-1. Advisory Council—Duties.
- Sec. 5.190-2. Steering Committee—Composition—Terms of Office.
- Sec. 5.190-3. Steering Committee—Duties.
- Sec. 5.190-4. Advisory Committee—Composition—Terms of Office.
- Sec. 5.190-5. Advisory Committee—Duties.
- Sec. 5.190-6. Advisory Council—Organization.
- Sec. 5.190-7. Interagency Domestic Violence Death Review Team.

SEC. 5.190. ESTABLISHMENT AND PURPOSE—FAMILY VIOLENCE ADVISORY COUNCIL.

(a) **Establishment.** A Family Violence Council for the City and County of San Francisco (referred to hereafter in this Chapter as “Council”) is hereby established as an advisory body to the Board of Supervisors. The Council shall consist of a steering committee of 10 members and an advisory committee of 35 members. The Council may create working groups of its membership to facilitate the activities of the Council. All City departments, commissions, boards and agencies shall cooperate with the Council in conducting its business.

The composition of the Council shall broadly represent the ethnic, racial, gender, age and sexual orientation diversity of the City and County.

(b) **Purpose.** The Council is established to advise and submit recommendations to the Board of Supervisors that address the problems of family violence. The Council may also advise the courts of the City and County and the Mayor by submitting recommendations to improve the response by these

departments to family violence and abuse. The general purpose of the council shall be the following:

- (1) Increase the awareness and understanding of domestic and family violence and its consequences;
- (2) Recommend programs, policies and coordination of City services that may reduce the incidence of domestic and family violence in San Francisco. (Added by Ord. 170-95, App. 5/26/95)

SEC. 5.190-1. ADVISORY COUNCIL—DUTIES.

The duties of the Council shall be the following:

- (1) Recommend effective strategies through which public and private agencies that serve victims of domestic or family violence can identify the existence of domestic and/or family violence;
- (2) Recommend methods of providing public education about family violence and abuse;
- (3) Facilitate communication between public and private agencies that provide programs for victims of domestic and family violence and programs of family violence intervention;
- (4) Recommend procedures to improve the cooperation and coordination of public and private agencies with all participants in the justice system who deal with family and domestic violence, including procedures for reviewing fatalities resulting from family violence;
- (5) Recommend a comprehensive and coordinated plan to collect data about domestic and family violence in a manner that protects the identity of victims of domestic and family violence, that would make the data available to the courts, prosecutors, law enforcement officers, and health care practitioners;
- (6) Recommend ways of responding in a coordinated manner to family and domestic violence by City departments, boards, commissions, agencies, and the courts that would improve responsiveness by the City and prevent family and domestic violence. (Added by Ord. 170-95, App. 5/26/95)

SEC. 5.190-2. STEERING COMMITTEE—COMPOSITION—TERMS OF OFFICE.

(a) **Composition of Steering Committee.** The Steering Committee shall consist of the following:

- (1) Presiding Judge of the Superior Court or his or her designee;
- (2) A second designee of the Presiding Judge of the Superior Court;
- (3) Presiding Judge, Superior Court, Family Law Department, or his or her designee;
- (4) Chair of the Domestic Violence Advisory Committee;
- (5) President of the Board of Supervisors, or his or her designee;
- (6) District Attorney, or his or her designee;
- (7) Chief of Police, or his or her designee;
- (8) President, Commission on the Status of Women, or his or her designee;
- (9) Chief Adult Probation Officer, or his or her designee;
- (10) Chair of the San Francisco Domestic Violence Consortium.

(b) **Steering Committee—Chair.** The Presiding Judge of the Superior Court or his or her designee representing the Superior Court shall serve as chair of the Steering Committee.

(c) **Meetings.** The Steering Committee shall meet regularly at such times and places whenever the chair of the Committee shall determine.

(d) **Rules and Regulations.** The Steering Committee may adopt reasonable rules and regulations not inconsistent with the Charter or this ordinance for the conduct of its affairs and for the distribution and performance of its business. (Added by Ord. 170-95, App. 5/26/95; amended by Ord. 192-99, File No. 990879, App. 7/1/99)

SEC. 5.190-3. STEERING COMMITTEE—DUTIES.

The Steering Committee shall serve as the policy setting body of the Council. Duties of the Steering Committee shall include the establishment of the organization and structure of the Council, appointment of members to the Advisory Committee and assignment of the Advisory Committee's duties, creation of working groups when necessary to implement the objectives of the Council, and to oversee the operations of the Council. (Added by Ord. 170-95, App. 5/26/95)

SEC. 5.190-4. ADVISORY COMMITTEE—COMPOSITION—TERMS OF OFFICE.

(a) **Composition.** The Advisory Committee shall consist of 35 members who shall be appointed by and serve at the pleasure of the Steering Committee. The Steering Committee shall make one appointment from each of the below enumerated entities. Where the entity is a City officer, department, commission or agency, the Steering Committee shall make the appointment from nominees submitted by that officer, department, commission or agency.

- (1) Mayor, or his or her designee;
- (2) District Attorney, or his or her designee;
- (3) Public Defender, or his or her designee;
- (4) Police Chief, or his or her designee;
- (5) Sheriff, or his or her designee;
- (6) Chief Adult Probation Officer, or his or her designee;
- (7) Director, Department of Human Services or his or her designee;
- (8) Director, Department of Public Health or his or her designee;
- (9) President, Commission on the Status of Women, or his or her designee;
- (10) Superior Court, civil division;
- (11) Superior Court, criminal division;
- (12) Battered women's shelters;
- (13) Treatment programs for batterers;
- (14) Pretrial Release Services;
- (15) San Francisco Women Lawyers Alliance;
- (16) San Francisco Bar Association;
- (17) Queen's Bench;
- (18) Legal Aid of San Francisco;
- (19) Social Services Agencies;
- (20) Educational Institutions;
- (21) Medical Institutions;
- (22) African American community;
- (23) Asian Pacific Islander community;
- (24) Latino community;
- (25) Other communities of color;
- (26) Elder community;
- (27) Gay and lesbian community;
- (28) Immigrant Services;
- (29) Minority Services;
- (30) Disabled Services;
- (31) Youth Services;
- (32) Media;
- (33) Religious community;
- (34) Business community;

(35) Domestic violence survivor.

The Advisory Committee may create working groups of its membership to facilitate the activities of the Committee.

(b) **Assistance of the City Attorney.** The City Attorney or his or her designee may be requested to provide advice and legal counsel to the Council.

(c) **Terms of Office.** The term of each member of the Advisory Committee shall be two years. In the event a vacancy occurs during the term of office of any member, a successor shall be appointed to complete the unexpired term of the office vacated in a manner similar to that which governed the initial appointment of the member.

(d) **Meetings.** The Advisory Committee shall meet at least once a quarter at such times and places as the Chair of the Committee shall designate. (Added by Ord. 170-95, App. 5/26/95; amended by Ord. 192-99, File No. 990879, App. 7/1/99)

SEC. 5.190-5. ADVISORY COMMITTEE—DUTIES.

The duties of the Advisory Committee shall be as follows:

(1) Collect and compile public information regarding arrest and restraining order enforcement policies; screening and prosecution of cases; issuances of protective orders; identifying family violence in other legal proceedings; and monitoring offenders after judgment;

(2) Collect and analyze public information relating to programs for victims of family violence and services provided for abusers on probation;

(3) Analyze current and projected revenue and funding sources, and recommend other prospective revenue sources for response to family and domestic violence;

(4) Respond to inquiries of the Board of Supervisors made consistent with the duties imposed by this ordinance. (Added by Ord. 170-95, App. 5/26/95)

SEC. 5.190-6. ADVISORY COUNCIL—ORGANIZATION.

(a) **Removal of Council Members.** Any member of the Council who misses three regularly scheduled meetings of the Council in any 12-month period without the express approval of 51 percent of the members of the Council given at a regularly

scheduled meeting shall be deemed to have resigned from the Council.

(b) **Compensation.** Members of the Council shall not be compensated, nor shall they be reimbursed for expenses.

(c) **Annual Report.** The Council shall submit an annual report of its recommendations to the Board of Supervisors and may submit recommendations to the courts and the Mayor. The first report shall be issued no later than one year following the date of the first meeting of the Council and not less often than once yearly thereafter. The Council shall annually propose goals to be undertaken and report the accomplishment of those goals at the end of each 12-month period. Such goals shall seek to improve coordination, response, and prevention related to family and domestic violence. The Council may conclude that the work of the Council has been completed and request the Board of Supervisors to abolish the Council. (Added by Ord. 170-95, App. 5/26/95)

SEC. 5.190-7. INTERAGENCY DOMESTIC VIOLENCE DEATH REVIEW TEAM.

The San Francisco Family Violence Council may establish an Interagency Domestic Violence Death Review Team, pursuant to and consistent with the provisions of Penal Code Section 11163.4. The Council shall include in its annual report to the Board of Supervisors information regarding the work of the Interagency Domestic Violence Death Review Team. (Added by Ord. 267-98, App. 8/21/98)

ARTICLE XX: CHILD CARE PLANNING AND ADVISORY COUNCIL

Sec. 5.200. Child Care Planning and Advisory Council.

SEC. 5.200. CHILD CARE PLANNING AND ADVISORY COUNCIL.

(a) **Establishment.** Pursuant to California Education Code Section 8499-8499.8, a local Child Care Planning and Advisory Council for the City and County of San Francisco is hereby established. The Department of Children, Youth and Their Families shall provide administrative support for the Council, as specified in a Memorandum of Understanding between the Department and the Council. The Council shall consist of no more than 30 members. Pursuant to Education Code Section 8499.3, the Board of Supervisors shall appoint 15 members, and the Board of Education, or County Superintendent of Schools, if the Board of Education delegates the appointment power to her or him, shall appoint 15 members. Sixteen (16) members shall constitute a quorum of the Council. The affirmative vote of sixteen (16) members shall be required for the approval of any matter. The members shall be broadly representative of the ethnic, racial, gender, age and sexual orientation diversity of the City and County. All members shall be residents of the City and County, in accordance with Section 4.101 of the Charter. In making nominations and appointments, the nominating and appointing authorities shall select persons from varying backgrounds who have demonstrated abilities, expertise, and experience with child care.

(b) **Purpose.** The Council is established to advise the Board of Supervisors, the Mayor, the San Francisco Children and Families Commission and, with their consent, the Board of Education and the Superintendent of Schools about child care issues. The Council will serve as a representative advisory and planning body to maintain, expand and improve

local child care services. The Council will provide links between government and the community, and will work to maximize the amount and impact of local, State, federal and private resources and funding for child care in San Francisco.

(c) **Powers and Duties.** The Child Care Planning and Advisory Council shall have the following powers and duties:

(1) Upon approval of the Board of Supervisors and the County Superintendent of Schools, to submit to the State Department of Education local priorities for the allocation of state child care funds.

(2) To conduct an assessment of child care needs in San Francisco no less than once every five years. The needs assessment shall comply with all guidelines issued by the State Department of Education and consider, at minimum, the following:

(A) The needs of families eligible for subsidized child care.

(B) The needs of families not eligible for subsidized child care.

(C) The waiting lists for programs funded by the State Department of Education and the State Department of Social Services.

(D) The need for child care for children who have been abused or neglected or are at risk of abuse or neglect.

(E) The number of children receiving public assistance.

(F) Family income among families with preschool or school age children.

(G) The number of children of migrant workers.

(H) The number of children with special needs.

(I) The number of children from all identifiable linguistic and cultural backgrounds.

(J) Special needs based on geographic considerations.

(K) The age of children needing services.

(L) Any other factors deemed appropriate by the Council.

(3) To document information gathered during the needs assessment, which shall include, but need not be limited to, data on supply, demand, cost and market rates for each category of child care in San Francisco.

(4) To prepare a comprehensive countywide child care plan designed to mobilize public and private resources to address identified needs and formulate priorities. The Council shall enlist community participation in establishing priorities and shall hold at least one public hearing prior to the development of, or any revisions to, the child care plan, during which members of the public can comment on the proposed priorities and the plan.

(5) To conduct a periodic review of child care programs funded by the State Department of Education and the State Department of Social Services to determine if identified priorities are being met.

(6) To collaborate with subsidized and nonsubsidized child care providers, count welfare departments, and human services agencies, job training programs, employers, integrated child and family service councils, parent organizations, and other interested parties to foster partnerships designed to meet local child care needs.

(7) To design a system to consolidate local child care waiting lists.

(8) To coordinate part-day programs, including state preschool and Head Start, with other child care to provide full-day child care.

(9) To submit the results of the needs assessment and local priorities identified to the Board of Supervisors and the Superintendent of Schools for approval before submitting them to the State Department of Education.

(10) To report to the San Francisco Children and Families First Commission the result of the child care needs assessment, local priorities, the countywide child care plan, and any revisions thereto, the review of any child care programs, and any other reports or information gathered regarding child care in San Francisco.

(11) To review and comment on proposals submitted to the State Department of Education to be provided within San Francisco.

(12) To identify at least one but no more than two members of the Council to serve as part of the State

Department of Education team that reviews and scores proposals for the provision of services funded through contracts with the State Department of Education.

(13) To develop and implement a training plan to provide increased efficiency, productivity, and facilitation of Council meetings.

(14) To provide consultation to the State Department of Education and the State Department of Social Services regarding the development of a single application and intake form for all federal and state subsidized child care and development services.

(15) To review and evaluate legislation affecting child care and to suggest or recommend local child care legislation.

(16) To recommend to the Board of Supervisors, the Mayor, the Board of Education, the Superintendent of Schools and State and federal policy makers positions to facilitate the maintenance, expansion and improvement of child care services in San Francisco and to help secure public and private child care resources for same.

(17) To support efforts of the Department of Children, Youth and Their Families to gather, consolidate and disseminate child care information.

(18) To cooperate with, participate in, and make recommendations to other City/County planning and advisory bodies that relate directly or indirectly to delivery of child care services, including but not limited to the Collaborative Planning Committee for Children, Youth and Families.

(19) To advise and support all City/County departments involved in child care services, including but not limited to the Department of Human Services, the Department of Public Health, the Recreation and Park Department and the Library Department.

(20) To provide guidance to all participants in the local child care system, in cooperation with existing public agencies, including the school district, and private agencies and institutions engaged in child care services.

(d) Membership and Organization.

(1) The membership of the Child Care Planning and Advisory Council shall be composed of 20% consumers, 20% child care providers, 20% public agency representatives, 20% community representatives, and 20% discretionary, as required by Education Code Section 8499.3.

(A) "Child care provider" shall mean a person who provides child care services or represents persons who provide child care services.

(B) "Community representative" shall mean a person who represents an agency or business that provides private funding for child care services, or who advocates for child care services through participation in civic or community-based organizations but is not a child care provider and does not represent an agency that contracts with the State Department of Education to provide child care and development services.

(C) "Consumer" shall mean a parent or person who receives, or has received within the past 36 months, child care services.

(D) "Public agency representative" shall mean a person who represents a city, county, city and county, or local education agency.

(2) Members shall be appointed as follows:

(A) The Board of Supervisors shall appoint 11 members representing the following categories, each of whom is nominated by an individual member of the Board of Supervisors:

(i) Consumers: Parents, guardians or caretakers with varied income levels who use child care and/or early education services [two members];

(ii) Child Care providers: Private child care providers including one from a private center, one from a family day care home and one from a Head Start center [three members];

(iii) Discretionary: Public at large [one members];

(iv) Community representatives [five members];

The list of qualified individuals for appointment may include members of the following organizations: parent advisory councils of public and private child care programs; associations of child care centers, family day care providers and Head Start; public interest organizations including but not limited to the Child Care Law Center; community organizations; the Bay Area Employer Work and Family Coalition; and members of labor organizations and local businesses that fall within the definition of "community representative" as described in Subsection(d)(1)(B).

(B) The Board of Supervisors shall permanently assign a seat on the council to the director or his / her designee from each of the following public agencies:

the Department of Children, Youth and Their Families, the Department of Human Services, the Recreation and Park Department, and the Office of Community Development [four members];

(3) The Board of Education, or County Superintendent of Schools, if the Board of Education delegates the appointment power to her or him, shall appoint the following 15 members:

(A) Consumers: three clients of publicly subsidized programs, such as CalWORKS and other child care programs funded through the Department of Human Services; one parent, guardian or caretaker of a child enrolled in a San Francisco Unified School District early childhood education program; one parent, guardian or caretaker using an early childhood education program not operated by the San Francisco Unified School District [five members];

(B) Child care providers: one member representing the Children's Centers operated by the San Francisco Unified School District; one member from each of the two local child care resource and referral agencies, Wu Yee Children's Services and Children's Council of San Francisco [three members];

(C) Discretionary: one member from the public at large [one member];

(D) Community representative: a member of an organized educators' group and an additional community representative [two members];

(E) Public agency representative: one representative from each of the following local agencies: San Francisco Department of Public Health; the local district office of Community Care Licensing; a local public educational training institution; the San Francisco Housing Authority [four members];

The list of qualified individuals for appointment may include the following: participants in CalWORKS and Department of Human Services child care programs; representatives of the Department of Public Health; the local district office of Community Care Licensing, United Educators of San Francisco; City College; and San Francisco State University.

(4) The term of each member of the Council shall be for three years, beginning after an initial phase of terms drawn by lot to create staggered expiration of terms. Upon adoption of this ordinance, currently seated members will be grandfathered in as Council members. Initial terms shall, by lot, be

designated so that ten members shall serve a two-year term, 10 members shall serve a three-year term, and 10 members shall serve a four-year term. On the expiration of these initial terms, all terms shall be for three years. Any member may be reappointed for one additional consecutive term. Any person serving a term of two years or less shall not be considered having completed one full term, and will therefore remain eligible to serve two complete terms. Persons serving two complete terms will be eligible to serve again after one year of non-service.

(5) Where a member, prior to expiration of his or her term, ceases to retain the status which qualified him or her for appointment to the Council, the membership shall be terminated and there shall be a vacancy on the Council. In the event a vacancy occurs during the term of office of any member, a successor shall be appointed to fill the vacancy for the remainder of the term, consistent with the process and requirements of the previous appointee.

(6) Any member who misses four meetings within a twelve month period, without the approval of the Council, shall be deemed to have resigned from the Council.

(7) The initial meeting of the Council shall be called within 30 days of the day the Board of Supervisors completes its initial appointments.

(8) The members of the Council shall elect a Chair of the Council and shall promulgate such rules or regulations as are necessary for the conduct of its business under this Section.

(e) **Compensation.** Upon approval by the Council, each member who is not otherwise compensated to attend meetings may receive a stipend of no more than \$25 per meeting, not to exceed \$600 annually, exclusively from funds provided to the Council by the State of California. (Added by Ord. 362-95, App. 11/20/95, amended by Ord. 118-99, File No. 990310, App. 5/14/99, Ord. 192-99, File No. 990879, App. 7/1/99, Ord. 31-00, File No. 000109, App. 2/25/2000, Ord. 6-03, File No. 020913, App. 1/31/2003)

ARTICLE XXI: IMMIGRANT RIGHTS COMMISSION

Sec. 5.201. Immigrant Rights Commission.

SEC. 5.201. IMMIGRANT RIGHTS COMMISSION.

(a) **Establishment.** There shall be established an Immigrant Rights Commission (hereinafter "Commission"). The Commission shall advise and make recommendations to the Board of Supervisors and the Mayor about issues affecting immigrants residing in San Francisco.

(b) **Membership.** The Commission shall consist of 15 voting members. Eleven members shall be appointed by the Board of Supervisors and the Mayor shall appoint four members. At least eight members shall be immigrants to the United States who are appointed in accordance with Section 4.101 of the Charter. Members appointed to the Commission shall have a demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco and shall reflect the geographic, ethnic, and sexual orientation populations of San Francisco.

(c) **Terms of Office.** The term of each member of the Commission shall be two years; provided, however, that the members first appointed shall, by lot, classify their terms so that eight members shall serve a term of three years and seven members shall serve a term of two years. Members shall serve at the pleasure of the appointing authority.

In the event a vacancy occurs during the term of office of any member, a successor shall be appointed to complete the unexpired term of the office vacated in a manner similar to that for the initial member.

At the initial meeting of the Commission and yearly thereafter, the Commission members shall select such officer as deemed necessary by the Commission.

(d) **Powers and Duties.** The Commission shall have the power and duty to:

(1) Make recommendations to the Board of Supervisors and the Mayor to further involve immigrants in local governmental processes;

(2) Hold at least one public hearing annually to obtain input from the immigrant community about programs, policies, and issues that relate to immigrants who are residents of the City and County, and report recommendations developed from the public hearings to the Board of Supervisors and the Mayor;

(3) Advise the Board of Supervisors and the Mayor on State and federal legislation related to immigrants;

(4) Cooperate with and make recommendations to other City and County departments, agencies, and commissions that administer and enforce regulations relating to health, human services, law enforcement, and human rights that affect immigrants with the aim of improving the coordination of services within the City and County;

(5) Prepare and submit to the Board of Supervisors and the Mayor an annual report on the review and evaluation of the services and programs in place for immigrants residing in San Francisco, any outstanding needs, and recommendations and plans as to a program for responding to the health, human service, and employment needs of immigrants in a manner that is not duplicative;

(6) Develop a plan for outreach to, and education of, the public to increase public awareness of the contributions made by immigrants to the local economy, educational institutions, and other fields in San Francisco, and submit the plan to the Board of Supervisors and the Mayor;

(7) Make recommendations to the Board of

Supervisors and the Mayor on the participation of the City and County of San Francisco in publicizing and representing the concerns of immigrants in San Francisco within regional and national efforts to protect the rights of immigrants.

(e) **Progress Review.** The Commission shall submit a progress report on the execution of its duties to the Board of Supervisors and the Mayor 18 months after the date of adoption of this ordinance. The provisions of this ordinance shall remain in effect unless upon review of the progress report the Board of Supervisors modifies or terminates the Commission.
(Added by Ord. 211-97, App. 6/6/97)

ARTICLE XXII: [RESERVED]

Sec. 5.210.

(Added by Ord. 99-98, App. 3/27/98; repealed
by Ord. 57-03, File No. 030042, App. 4/11/2003)

Sec. 5.211.

(Added by Ord. 99-98, App. 3/27/98; repealed
by Ord. 57-03, File No. 030042, App. 4/11/2003)

Sec. 5.212

(Added by Ord. 99-98, App. 3/27/98; repealed
by Ord. 57-03, File No. 030042, App. 4/11/2003)

ARTICLE XXIII: [RESERVED]

Sec. 5.230.

(Added by Ord. 21-01, File No. 002106, App. 2/16/2001; repealed by Ord. 171-03. File No. 030422, App. 7/3/2003)

Sec. 5.231.

(Added by Ord. 21-01, File No. 002106, App. 2/16/2001; repealed by Ord. 171-03. File No. 030422, App. 7/3/2003)

Sec. 5.232.

(Added by Ord. 21-01, File No. 002106, App. 2/16/2001; repealed by Ord. 171-03. File No. 030422, App. 7/3/2003)

Sec. 5.233.

(Added by Ord. 21-01, File No. 002106, App. 2/16/2001; repealed by Ord. 171-03. File No. 030422, App. 7/3/2003)

Sec. 5.234.

(Added by Ord. 21-01, File No. 002106, App. 2/16/2001; repealed by Ord. 171-03. File No. 030422, App. 7/3/2003)

Sec. 5.235.

(Added by Ord. 21-01, File No. 002106, App. 2/16/2001; repealed by Ord. 171-03. File No. 030422, App. 7/3/2003)

Sec. 5.236.

(Added by Ord. 21-01, File No. 002106, App. 2/16/2001; repealed by Ord. 171-03. File No. 030422, App. 7/3/2003)

Sec. 5.237.

(Added by Ord. 21-01, File No. 002106, App. 2/16/2001; repealed by Ord. 171-03. File No. 030422, App. 7/3/2003)

Sec. 5.238.

(Added by Ord. 21-01, File No. 002106, App. 2/16/2001; repealed by Ord. 171-03. File No. 030422, App. 7/3/2003)

Sec. 5.239.

(Added by Ord. 21-01, File No. 002106, App. 2/16/2001; repealed by Ord. 171-03. File No. 030422, App. 7/3/2003)

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ARTICLE XXIV: CITY HALL PRESERVATION ADVISORY COMMISSION

- Sec. 5.240. Establishment and Purpose.
- Sec. 5.241. Membership and Organization.
- Sec. 5.242. Duties of the Commission.
- Sec. 5.243. Referral to the Commission.
- Sec. 5.244. Standards for Preservation and Restoration.

SEC. 5.240. ESTABLISHMENT AND PURPOSE.

There shall be established a City Hall Preservation Advisory Commission for the purpose of ensuring that City Hall is maintained and preserved in a manner befitting its historic and architectural significance. San Francisco's City Hall is maintained and preserved in a manner befitting its historic and architectural significance. San Francisco's City Hall is a national landmark and a valued legacy to the people of this City. After its completion in 1915, it suffered a process of gradual alteration and degradation until the Loma Prieta earthquake of 1989 forced its temporary closure. Inadequate repair and maintenance contributed to the decline. Between 1989 and 2000, in addition to earthquake retrofitting, the City did extensive work to repair and refurbish City Hall and to reverse many alterations which had compromised the building's historical integrity. This Commission is intended to be an advisory body responsible for ensuring that the building's historical character and beauty are preserved henceforth and that the facilities are maintained according to the highest standard and not allowed to fall into disrepair. (Added by Ord. 40-04, File No. 031937, App. 3/20/2004)

SEC. 5.241. MEMBERSHIP AND ORGANIZATION.

(a) The Commission shall consist of five members appointed by the Mayor, and confirmed by a majority vote of the Board of Supervisors and serving at his or her pleasure. The Mayor shall

designate three of his or her initial appointments to serve for two-year terms and two for four-year terms. Thereafter, all members shall serve for four-year terms. The terms are to commence on the date of the first meeting of the Commission, which may not occur until all five members have been appointed.

(b) At least one member of the Commission shall have documented expertise in the area of building maintenance and repair. At least one member shall have documented expertise in the area of historic building preservation. At least one member shall have documented expertise in the history of City Hall.

(c) Vacancies shall be filled by the Mayor, and confirmed by the Board, for the remainder of the term. The Commission shall, at its initial meeting and annually thereafter, elect one of its members to chair the Commission.

(d) Services of the members of the Commission shall be voluntary and members will serve without compensation.

(e) The Director of Administrative Services, or his/her designee, shall attend meetings of the Commission and provide staff support. (Added by Ord. 40-04, File No. 031937, App. 3/20/2004)

SEC. 5.242. DUTIES OF THE COMMISSION.

The Commission shall have the following duties.

(a) Conduct meetings as necessary, but not less than once monthly;

(b) Conduct public hearings and advise the Mayor, the Board of Supervisors, the Planning Commission, the Landmarks Preservation Advisory Board, and the Director of Administrative Services, as appropriate, on the following matters:

(1) budgetary issues related to the operation, maintenance, repair and preservation of City Hall;

(2) requests for use, modification, or alteration of City Hall facilities;

(3) maintenance and operation of City Hall consistent with its stature and dignity as a national landmark and as the seat of City government;

(4) displays of historical significance in the South Light Court and in other areas of City Hall;

(5) improvements and acquisitions which would enhance the historical character of City Hall;

(6) any other matter affecting the use, operation or maintenance of City Hall.

(c) Solicit donations to the City for the benefit of City Hall; both of a financial nature as well as of artworks and historically significant artifacts which would be appropriate for display. Any such gifts shall be subject to the applicable approval and acceptance processes as set forth in the Charter.

(d) Keep records of acquisitions, donations, modifications, major repairs and Commission recommendations and compile an annual report to be submitted to the Mayor and the Board of Supervisors. (Added by Ord. 40-04, File No. 031937, App. 3/20/2004)

SEC. 5.243. REFERRAL TO THE COMMISSION.

(a) The Director of Administrative Services shall promptly notify the Commission and provide opportunity for comment before he or she adopts policies or procedures affecting the operation or maintenance of City Hall, and before he or she makes or approves alterations to City Hall.

(b) The secretary of the Landmarks Preservation Advisory Board shall notify the Commission within ten days of receipt of an application for a Certificate of Appropriateness affecting City Hall. The secretary shall provide all relevant information, including the date and time of the hearing. Any recommendations which the Commission makes shall be included in the record of the application by the Landmarks Preservation Advisory Board.

(Added by Ord. 40-04, File No. 031937, App. 3/20/2004)

SEC. 5.244. STANDARDS FOR PRESERVATION AND RESTORATION.

In carrying out its duties, the Commission shall be guided by accepted standards for restoration, preservation, and maintenance of historic structures, including, where applicable and feasible, standards for historic preservation, maintenance, recordation, and documentation of landmarks promulgated by the United States Department of the Interior or its successor. (Added by Ord. 40-04, File No. 031937, App. 3/20/2004)

[The next page is number 161.]

ARTICLE XXV: LIBRARY CITIZENS ADVISORY COMMITTEE

Sec. 5.250. Library Citizens Advisory Committee.

SEC. 5.250. LIBRARY CITIZENS ADVISORY COMMITTEE.

(a) **Establishment of Committee.** There is hereby established a Library Citizens Advisory Committee ("Committee").

(b) **Committee Membership.** The Committee shall consist of seventeen (17) voting members. Each member of the Board of Supervisors shall appoint one member to the Committee and may give preference to individuals residing in his or her respective Supervisorial District. The Board of Supervisors shall appoint an additional three (3) members to the Committee from the community at large, subject to the following requirements: one appointee shall be representative of senior citizens, one appointee shall be representative of New Americans for whom English is a second language and one appointee shall be representative of youth and children who shall be between the ages of thirteen and twenty-three at the time of appointment. The City Librarian shall appoint three (3) members to the Committee, subject to the following requirements: one appointee shall represent the interests of the San Francisco United School District and/or public education in San Francisco, one appointee shall represent the interest of technology and/or user privacy, and one appointee shall represent the interests of the disabled community. The initial terms of office shall begin 60 days after enactment of this Ordinance. Each Committee member shall serve at the pleasure of his or her respective appointing authority and that authority's successors.

The Committee shall consist of individuals who reside in San Francisco, use the facilities and services of the San Francisco Public Library ("Library") System, and are library cardholders in good standing. Appointments to the Committee by the Board of

Supervisors shall not consist of individuals who are currently members of the Library Commission or full-time employees of the Library. In addition, appointments to the Committee by the Board of Supervisors shall not consist of any individuals who are currently members of the Council for Neighborhood Libraries or any advisory body created by the initiative of a member of the Library Commission or the City Librarian. Appointments to the Committee by the City Librarian may, at the City Librarian's sole discretion, include members of the Library Commission, Council for Neighborhood Libraries, Library advisory groups or Library employees. In making appointments, members of the Board of Supervisors shall take into consideration City policy that the members of all boards, commissions and committees represent the diversity of race, religion, color, ancestry, age, sex, sexual orientation, gender identity, disability and place of birth of the people of the City and County.

(c) **Term of Office.** Members shall serve a term of two years. Members shall conduct the first meeting of the Commission within thirty days of the appointment of a quorum of the members.

In the event a vacancy in Committee membership occurs, the successor to the vacant position shall be appointed to complete the unexpired term of the office vacated in the same manner used to select the previous occupant of that position, consistent with subparagraph (b).

(d) **Removal of Members.** Any member whom the Committee certifies to have missed three consecutive regularly scheduled meetings of the Committee without prior authorization of the Committee shall be deemed to have resigned from the Committee effective on the date of the written certification from the Committee.

(e) **Compensation.** Members of the Committee shall not be compensated, nor shall they be reimbursed for expenses.

(f) **Purposes and Duties of Committee.** The purposes and duties of the Committee are to publicly discuss and make recommendations to the Board of Supervisors regarding:

- (1) The expenditure of Library bond monies;
- (2) The implementation and prioritization of Library plans and programs; and
- (3) The efficiency and scope of Library operations and services to the public.

(g) **Reporting Requirements.** The Committee shall take minutes of its regular and special meetings and shall submit copies of Committee-approved minutes to the Board of Supervisors on a quarterly basis. Where the Committee identifies areas that it concludes may require changes or improvements, the Committee shall recommend appropriate action to be taken by the Board of Supervisors. The Committee shall submit to the Board of Supervisors and to the Library Commission a written report, by June 30 of each year, summarizing its findings and recommendations.

(h) **Officers.** At the initial meeting of the Committee, the Committee members shall select such officers as it deems necessary.

(i) **Meetings.** The Committee shall meet at least quarterly. All meetings of the Committee, except as provided by applicable laws, shall be open to the public.

(j) **Establishment of Rules and Regulations.** The Committee, which qualifies as a Policy Body under San Francisco Administrative Code Chapter 67 (the "Sunshine Ordinance"), shall establish rules and regulations for its own organization and procedures that are consistent with the Sunshine Ordinance and other laws governing the conduct of public meetings.

(k) **Sunset Clause.** The provisions of this ordinance and the operation of the Committee shall expire on March 1, 2007, unless otherwise extended by resolution. (Added by Ord. 94-04, File No. 020585, App. 5/27/2004)

ARTICLE XXVI: BACK STREETS BUSINESS ADVISORY BOARD

- Sec. 5.260. Findings and Purpose.
- Sec. 5.261. Definitions.
- Sec. 5.262. Establishment and Composition of Advisory Board.
- Sec. 5.263. Operations of Advisory Board.
- Sec. 5.264. Duties of Advisory Board.
- Sec. 5.265. Sunset Provision.

SEC. 5.260. FINDINGS AND PURPOSE.

(a) It is in the public interest to recognize Back Streets businesses as an important component of San Francisco's economic base. Accordingly, the City seeks to develop and implement focused policies and programs that encourage the retention and expansion of Back Streets businesses. This effort is consistent with and furthers the Commerce and Industry Element of the General Plan, which calls for a balanced local economy where good paying jobs are available to the widest breadth of the San Francisco labor force.

(b) Back Streets businesses such as printing services, restaurant supply, and janitorial services provide vital support services to San Francisco's leading industries. Moreover, because they are strategically located near the City's major areas of business and commerce and near major freeway corridors, Back Streets businesses provide support services to leading downtown and regional businesses and industries in a timely and cost-efficient manner.

(c) Back Streets businesses are a key element in ensuring employment opportunities to all San Franciscans. Back Streets businesses pay higher wages and offer entry-level workers more opportunity for advancement than service sector employment, and are an important source of employment for people of all skill and educational levels. Back Streets businesses provide important employment opportunities for new immigrants, including those for whom English is a second language. Studies have shown that the loss of Back Streets jobs has a disproportionate impact on minorities and immigrants.

(d) Back Streets businesses generate substantial tax revenue each year that helps to fund vital City services.

(e) Back Streets businesses are a stable sector of the City's economic base and support the economy when other sectors experience slowed growth or decline. A sustainable San Francisco economy depends on a diverse economic base.

(f) The economic importance of Back Streets businesses to cities like San Francisco is demonstrated by an independent analysis of Boston's Back Streets businesses, which found that such businesses provided one-fifth of the city's jobs, were mostly held by city residents, and generated approximately \$30 million annually in city tax revenue.

(g) The continuing importance of Back Streets businesses to San Francisco is highlighted by the projection of the Association of Bay Area Governments (ABAG) that there will be approximately 18,000 new Back Streets jobs created in San Francisco from 2000 to 2025.

(h) Back Streets businesses have needs distinct from other businesses, including building sizes and types, transportation access, financing, and workforce training, and require economic development programs specific to those needs. Back Streets businesses in San Francisco have heretofore lacked an institutional advocate in City government that is focused on their distinct needs and that is designed to assist them in accessing economic development support channels in City government and remaining competitive in San Francisco. (Added by Ord. 279-04, File No. 041356, App. 11/26/2004)

SEC. 5.261. DEFINITIONS.

For purposes of Section 5.260 through Section 5.265, the following definitions apply.

(a) "Advisory Board" is the Back Streets Businesses Advisory Board.

(b) "Back Streets businesses" is a "light PDR," "medium PDR," or "core PCR" business, as defined

and described in Appendix D of Planning Commission Resolution No. 16727 (adopted February 12, 2004). Appendix D of said Resolution is on file with the Board of Supervisors in File No. ____ and is incorporated herein by reference.

(c) "City" is the City and County of San Francisco.

(d) PDR" is production/distribution/repair. (Added by Ord. 279-04, File No. 041356, App. 11/26/2004)

SEC. 5.262. ESTABLISHMENT AND COMPOSITION OF ADVISORY BOARD.

(a) **Voting members.** There shall be established a Back Streets Business Advisory Board consisting of nine voting members. Eight voting members shall be nominated by the Rules Committee of the Board of Supervisors and appointed by the Board of Supervisors, filing the following seats: (i) a current or former owner, operator, or officer of a light PDR Back Streets business located in San Francisco; (ii) a current or former owner, operator, or officer of a medium PDR Back Streets business located in San Francisco; (iii) a current or former owner, operator, or officer of a core PDR Back Streets business located in San Francisco; (iv) an officer or representative of an organization that represents San Francisco businesses; (v) an officer or representative of a labor union or other labor organization; (vi) an officer or representative of an economic development or planning organization or association, or of an academic institution; (vii) a person who has a demonstrated interest in and knowledge pertaining to Back Streets businesses; and (viii) a person who has a demonstrated interest in and knowledge pertaining to Back Streets businesses. The ninth voting member shall be appointed by the Small Business Commission. This ninth seat may be filled either by a member of the Small Business Commission or by someone who is not a member of that Commission.

(b) **Nonvoting members.** There shall be four nonvoting members on the Advisory Board: (i) a representative of the Mayor's Office of Economic and Workforce Development; (ii) a representative of the Mayor's Office of Community Development; (iii) a representative of the Planning Department; and (iv) a

representative of the Port of San Francisco. In addition, the San Francisco Redevelopment Agency shall be invited to provide a representative as a fifth nonvoting member of the Advisory Board.

(c) **Initial appointment of voting members.** The eight voting members on the Advisory Board appointed by the Board of Supervisors shall be first nominated by the Rules Committee of the Board of Supervisors. Each voting member on the Advisory Board, including the ninth voting member appointed by the Small Business Commission, shall be appointed no later than thirty days after the effective date of this Ordinance.

(d) **Terms of voting members.** Voting members on the Advisory Board shall serve at the pleasure of the Board of Supervisors, except that the voting member appointed by the Small Business Commission shall serve at the pleasure of that Commission; provided, however, that a voting member's term shall expire by operation of law upon the Advisory Board's determination that the member in question has three consecutive unexcused absences from Advisory Board meetings. Upon such a determination, the Advisory Board shall notify the Board of Supervisors in writing that the term of the member in question has expired, except that if the member in question was appointed by the Small Business Commission, the Advisory Board shall notify that Commission in writing that the term of that member has expired. (Added by Ord 279-04, File No. 041356, App. 11/26/2004)

SEC. 5.263. OPERATIONS OF ADVISORY BOARD.

(a) **Initial meeting.** The Advisory Board shall hold its initial meeting after all voting members have been appointed; provide, however, that if all seats have not been filled within thirty days of the effective date of this Ordinance, a quorum may at any time thereafter hold the initial meeting and transact Advisory Board business.

(b) **Officers.** At the initial meeting of the Advisory Board, the Advisory Board shall select a Chair and may select other officers.

(c) **Internal rules.** The Advisory Board shall establish bylaws, rules, and/or regulations for the conduct of its meetings and business.

(d) **Advisory Board support.** Research assistance for the Advisory Board shall be provided by the Office of Legislative Analyst of the Board of Supervisors. Administrative assistance and staffing for the Advisory Board shall be provided by the Department of Administrative Services.

(e) **Cooperation of City departments and other governmental entities.** All City departments, boards, commissions, and agencies, including but not limited to the Municipal Transportation Agency, shall cooperate with the Advisory Board and assist the Advisory Board as appropriate in the conduct of its business. In addition, the Board of Supervisors requests that other governmental entities, including but not limited to the San Francisco County Transportation Authority, cooperate with the Advisory Board and assist the Advisory Board as appropriate in the conduct of its business. (Added by Ord. 279-04, File No. 041356, App. 11/26/2004)

SEC. 5.264. DUTIES OF ADVISORY BOARD.

(a) **Initial report.** The Advisory Board shall submit its initial report to the Board of Supervisors no later than nine months following the Advisory Board's initial meeting. The initial report shall include but need not be limited to the following matters: (I) an analysis of the needs of Back Streets businesses, including but not limited to issues of land availability, financing, and workforce skills; (ii) an analysis of policies and programs of the City and other jurisdictions designed to assist Back Streets businesses; and (iii) recommendations as to policies and programs the City may adopt to assist in the retention and expansion of Back Streets businesses in San Francisco. The Board of Supervisors or a committee thereof shall schedule a hearing on the initial report no later than sixty days following its submission to the Board of Supervisors.

(b) **Other reports and activities.** In its activities, the Advisory Board shall make use of existing studies and analyses conducted by City agencies, including the Planning Department, the Small Business Commission, and the Port of San Francisco, and other research organizations. The Advisory Board may submit other reports to the Board of Supervisors covering the matters described in subsection 5.264(a) or such other matters pertaining to

Back Streets businesses as the Advisory Board deems appropriate. The Advisory Board shall ensure communication and coordination with the Small Business Commission. In its discretion, the Advisory Board may at any time communicate its views on matters pertaining to Back Streets businesses to the Board of Supervisors, to other City departments, boards, commissions, committees, or agencies, to the business community or any sector thereof, and to the public. (Added by Ord. 279-04, File No. 041356, App. 11/26/2004)

SEC. 5.265. SUNSET PROVISION.

This Ordinance creating the Advisory Board and specifying its operations and duties shall expire by operation of law two years after the effective date of the Ordinance. (Added by Ord. 279-04, File No. 041356, App. 11/26/2004)

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CHAPTER 6: PUBLIC WORKS CONTRACTING POLICIES AND PROCEDURES

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ARTICLE I: GENERAL PROVISIONS

- Sec. 6.0. Scope of Chapter.
- Sec. 6.1. Definitions.
- Sec. 6.2. Departments or Commissions Empowered to Contract for Public Works or Related Professional Services.
- Sec. 6.3. Contracting Powers and Procedure.
- Sec. 6.4. Preference for Local Manufacturers and Industry.
- Sec. 6.5. Compliance with Nondiscrimination Provisions.
- Sec. 6.6. Federally-funded or State-funded Contracts.
- Sec. 6.7. Void Contract.
- Sec. 6.8. Severability.
- Sec. 6.9. Subcontractor and Subconsultant Limitation of Rights.

SEC. 6.0. SCOPE OF CHAPTER.

Chapter 6 shall govern public work or improvement contracting policies and procedures, including the procurement of professional design, consulting and construction management services for public work projects. (Added by Ord. 286-99, File No. 991645, App. 11/5/99)

SEC. 6.1. DEFINITIONS.

(A) **Advertisement For Bid.** An Advertisement For Bid is a set of documents which includes without limitation the published advertisement for bids on a construction contract; the forms to be submitted with a bid, as required by the contracting department and the Human Rights Commission; the construction contract general and special conditions; and the plans and specifications for the public work or improvement.

(B) **Award.** For contracts in excess of the Threshold Amount as defined below, a contract is awarded by the City and County of San Francisco when the following events have occurred:

(1) For departments under the Mayor, (a) the Mayor or the Mayor's designee has approved the contract for award and (b) the department head has then issued an order of award;

(2) For departments with boards or commissions, (a) the department head has recommended to the board or commission concerned a contract for award and (b) such board or commission has then adopted a resolution awarding the contract.

For contracts less than or equal to the Threshold Amount as defined below, a contract is awarded when the department head either signs the contract or issues an order of award, whichever occurs first. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds.

(C) **Bid.** A sealed document submitted in response to an Advertisement For Bids. No bid shall be deemed accepted by the City and County of San Francisco until such time as the contract is awarded in accordance with this Chapter.

(D) **Bidder.** One who submits a bid in response to an Advertisement For Bids.

(E) **Construction Manager.** Any individual, firm, partnership, corporation, association, joint venture or other legal entity permitted by law to furnish construction management services to the City and County.

(F) **Contract.** For the purposes of this Chapter, a contract is an agreement in writing between the City and County of San Francisco and any party to perform professional design services, consultant services, construction management services or construction services relative to a public work or improvement. No contract shall be deemed awarded effective or binding on the City and County of San Francisco until such time as the requirements for award are met, as provided in this Chapter.

(G) **Contractor.** A party who contracts directly with the City and County of San Francisco to perform professional design services, consultant services, construction management services or construction services relevant to a public work or improvement. A contractor performing construction services may also be referred to as a "general contractor" or a "prime contractor."

(H) **Prevailing Wage or Prevailing Rate of Wage.** The prevailing wage, as used in this Chapter, is the highest general prevailing rate of wage plus "per diem wages" and wages paid for overtime and holiday work paid in private employment in the City and County of San Francisco for the various crafts and kinds of labor employed in the performance of any public work or improvement under this Chapter. "Per diem wages" are defined pursuant to Labor Code section 1773.1, as amended from time to time.

(I) **Public Work or Improvement.** A public work or public work or improvement, as used in this Chapter, is any erection, construction, renovation, alteration, improvement, demolition, excavation, installation, or repair of any public building, structure, infrastructure, bridge, road, street, park, dam, tunnel, utility or similar public facility performed by or for the City and County of San Francisco, the cost of which is to be paid wholly or partially out of moneys deposited in the treasury of the City and County.

(J) **Responsible.** A responsible bidder or contractor is one who (1) meets the qualifying criteria required for a particular project, including without limitation the expertise, experience, record of prior timely performance, license, resources, bonding and insurance capability necessary to perform the work under the contract and (2) at all times deals in good faith with the City and County and shall submit bids, estimates, invoices claims, requests for equitable adjustments, requests for change orders, requests for contract modifications or requests of any kind seeking compensation on a City contract only upon a good faith honest evaluation of the underlying circumstances and a good faith, honest calculation of the amount sought.

(K) **Responsive.** A responsive bid is one that complies with the requirements of the subject Advertisement For Bids without condition or qualification.

(L) **Threshold Amount.** The Threshold Amount, for the purposes of this Chapter, is \$100,000. On January 1, 2005, and every five years thereafter, the Controller shall recalculate the Threshold Amount to reflect any proportional increase in the Urban Regional Consumer Price Index from

January 1, 2000, rounded to the nearest \$1,000. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 324-00, File No. 001919, App. 12/28/2000; Ord. 208-02, File No. 021221, App. 10/18/2002)

SEC. 6.2. DEPARTMENTS OR COMMISSIONS EMPOWERED TO CONTRACT FOR PUBLIC WORKS OR RELATED PROFESSIONAL SERVICES.

Except as otherwise provided, the departments or commissions empowered on behalf of the City and County of San Francisco to contract for public works or improvements or professional services related to a public work or improvement are the Department of Public Works the Municipal Transportation Agency, and the Airport, Port, Public Utilities, Recreation and Park and Commissions. All other departments or commissions must procure construction or related professional services through the Department of Public Works. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 118-00, File No. 000478, App. 6/2/2000; Ord. 58-05, File No. 041571, App. 4/1/2005)

SEC. 6.3. CONTRACTING POWERS AND PROCEDURE.

(A) **Public Work or Professional Service Contracts Less Than or Equal to the Threshold Amount.** The department head may award any construction contract or professional services contract of less than or equal to the Threshold Amount. For such contracts, approval of the Mayor, commission or board concerned is not required.

(B) **Public Work or Professional Service Contracts in Excess of the Threshold Amount.**

(1) **Departments under the Mayor.** For departments under the Mayor, the Mayor or the Mayor's designee shall approve for award all public work and professional service contracts in excess of the Threshold Amount and the department head may then issue an order of award.

(2) **Departments under Boards or Commissions.** The department head shall recommend to the board or commission concerned the award of all public work and professional service contracts in

excess of the Threshold Amount and such board or commission may then adopt a resolution awarding the contract.

(C) **Certification Required.** In accordance with Section 3.105 of the San Francisco Charter, all contract awards are subject to certification by the Controller as to the availability of funds.

(D) **Execution of Contracts.** Following all necessary approvals, orders or resolutions and execution by the contractor, the department head shall execute in duplicate all contracts, modifications and change orders. (Added by Ord. 286-99, File No. 991645, App. 11/5/99)

SEC. 6.4. PREFERENCE FOR LOCAL MANUFACTURERS AND INDUSTRY.

Whenever any preference in favor of local manufacturers or industry is provided by State law or ordinance or resolution of the Board of Supervisors, the same shall apply to contracts under this Chapter. (Added by Ord. 286-99, File No. 991645, App. 11/5/99)

SEC. 6.5. COMPLIANCE WITH NONDISCRIMINATION PROVISIONS.

(A) **Application of Administrative Code Chapters 12B, 12C and 12D.A.** Notwithstanding any other provision of this Administrative Code, all contracts awarded under this Chapter shall be awarded in accordance with the applicable requirements and procedures established in this Chapter and Chapters 12B, 12C and 12D.A.

Any contract for the construction, reconstruction or repair of public buildings, streets, utilities or other public work or improvement estimated to cost in excess of \$10,000,000 shall be awarded in accordance with the provisions of this Chapter, except that the bid discount provisions of Chapter 12D.A shall not be applicable.

(B) **Review by the Human Rights Commission.** The Human Rights Commission (the "HRC") shall review all contracts under this Chapter to determine compliance with Chapter 12B, 12C and Chapter 12D.A of the San Francisco Administrative Code. Such review shall occur as soon as practicable, but prior to award of any such contract. Noncompliance

shall be resolved in accordance with Administrative Code section 12D.A.16.

The HRC Director may waive the review of any contract subject to this Chapter. The HRC Director shall transmit a memorandum to the Human Rights Commission as soon as possible reporting such waiver. The Director's memorandum regarding the review waiver shall be a public document. The Commission may disapprove the Director's decision to waive review. The HRC's decision to disapprove must be made within 30 days of receipt of the Director's memorandum but in no event subsequent to the award of any contract. Failure to complete the review of any contract within 60 days of the date bids are received by the City shall constitute a waiver under this subsection.

Any duties required of the HRC under this section may be delegated by the Human Rights Commission to the HRC Director. (Added by Ord. 286-99, File No. 991645, App. 11/5/99)

SEC. 6.6. FEDERALLY-FUNDED OR STATE-FUNDED CONTRACTS.

(A) **Time for Award.** For all contracts that are fully or partially funded by Federal or State grants, loans or other governmental source, the department concerned shall not be required to award such contracts until 120 days from the date bids are received. Such time may only be extended prior to award of the contract and only upon (a) written agreement of the apparent responsible bidder with the lowest responsive bid; (b) approval by the Mayor or the Mayor's Designee or by resolution of the board or commission concerned; and (c) any necessary approvals of the Federal, State or other governmental funding agency.

(B) **Contract Terms.** In all contracts for the construction of any public work or improvement which involves the use of any funds furnished, given or loaned by the government of the United States or the State of California, all laws, rules and regulations of the government of the United States or the State of California or of any of its departments relative to the performance of such work and the conditions under which the work is to be performed, shall prevail over the requirements of this Chapter when such laws, rules or regulations are in conflict. (Added by Ord. 286-99, File No. 991645, App. 11/5/99)

SEC. 6.7. VOID CONTRACT.

Any public works or related professional services contract or subcontract that is not awarded in accordance with the requirements or which does not comply with the provisions of this Chapter shall be null and void; and no recovery shall be had thereon. Any officer, board or commission who shall sign, execute or approve such a contract shall be deemed guilty of misfeasance in office. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 324-00, File No. 001919, App. 12/28/2000)

SEC. 6.8. SEVERABILITY.

If any provision of this Chapter or any application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable. (Added by Ord. 7-02, File No. 011675, App. 1/25/2002)

SEC. 6.9. SUBCONTRACTOR AND SUBCONSULTANT LIMITATION OF RIGHTS.

Except as otherwise expressly provided by law or contract, no subcontractor, subconsultant, or other person or business entity shall be a third-party beneficiary to any contract awarded in accordance with this Chapter, or to any modification or any resolution of any claim arising out of any such contract. (Added by Ord. 58-05, File No. 041571, App. 4/1/2005)

[Sections 6.10 through 6.19 Reserved]

ARTICLE II: CONSTRUCTION CONTRACTING

- Sec. 6.20. Public Work Contracts Generally.
- Sec. 6.21. Requirements for Bids and Quotes.
- Sec. 6.22. Public Work Construction Contract Terms and Working Conditions.
- Sec. 6.23. Public Works to be Performed by the City; Bids by City Departments.
- Sec. 6.24. Office of Labor Standards Enforcement.

SEC. 6.20. PUBLIC WORK CONTRACTS GENERALLY.

(A) **Public Works In Excess of the Threshold Amount.** Except as otherwise provided by the Charter or the Administrative Code, any public work or improvement estimated to cost more than the Threshold Amount shall be performed under contract awarded to the responsible bidder submitting the lowest responsive bid. To split or divide any public work or improvement into two or more contracts for the purpose of evading this section shall constitute official misconduct.

(B) **Public Works Less Than or Equal to the Threshold Amount.** Any public work or improvement estimated to cost less than or equal to the Threshold Amount may be performed (a) under contract or (b) by City and County employees. If the work is to be performed under contract, the department shall obtain not fewer than three quotes and shall award the contract to the responsible bidder offering the lowest quotation. If the department is unable to obtain three quotes, the award may be based on the quote or quotes received. The department administering the contract shall maintain records as to whom the request for quotations was directed and the quotations received. It is the policy of the Board of Supervisors for contracting departments to make every effort to eradicate prejudice and favoritism in the award of City contracts. In order to effectuate this policy, the department heads authorized to enter into construction contracts and their staff

members shall collaborate with the HRC Director and HRC staff members periodically to create a list of responsible contractors qualified to perform various types of public work for projects estimated to be less than the Threshold Amount, making every effort to include qualified responsible MBE and WBE contractors on that list. The HRC shall be responsible for outreach efforts to make sure that MBE and WBE contractors are aware of the opportunity to be considered for the list. The contract awarding departments or commissions shall be responsible for evaluating and determining whether contractors are responsible and qualified to perform the various scopes of work. The department heads authorized to execute construction contracts shall report quarterly to the Board of Supervisors regarding MBE/WBE inclusion on the list of responsible and qualified contractors for public work contracts estimated to be less than or equal to the Threshold Amount, a description of the scope of work and price for each contract awarded under this section, the name of the contractor awarded the contract and whether the contract was awarded to an MBE or WBE contractor. Such reports shall be referred to a Board committee for public hearing.

(C) **Estimates Required.** For public works or improvements in excess of the Threshold Amount, no department head shall recommend a construction contract for or issue an order of award without preparing detailed program requirements and detailed estimates for the work to be performed. There shall be a separate accounting for each work or improvement, which accounting shall include all direct, indirect and supervisory elements of costs chargeable to such work or improvement. All such accounts shall be reported to the Controller and to either the Mayor or the Mayor's Designee or to the board or commission concerned, as appropriate.

(D) **Comparison of Bids on Basis of Time of Completion.** The department head concerned is authorized to compare bids on the basis of time of

completion and any contract awarded in consideration, in whole or in part, of the relative time estimate of bidders for completion of the work, shall be subject to the provisions of this Chapter.

(E) **Time for Award.** Except when a contract is funded by Federal or State grants or funds, all public work contracts shall be awarded within ninety (90) days of the date the City and County receives the bids. Such time may only be extended prior to award of the contract and only upon written agreement of the apparent responsible bidder with the lowest responsive bid and approval by the department head.

(F) **Prequalification.** Department heads authorized to execute public work contracts may require that prospective bidders be prequalified to bid either on a specific project or on an identified group of projects. The procedure for prequalification is as follows:

(1) The department head shall issue a prequalification statement. The prequalification statement may, at the discretion of the department head, be issued in conformance with Public Contract Code section 20101 and/or the California Department of Industrial Relations Model Pre-Qualification Questionnaire. The department head may, at his/her own discretion, apply the Model guidelines for scorable questions and scoring as the basis for any prequalification. The department head may also, at his/her own discretion, issue the Model with additional questions or may use an alternative questionnaire. The department head responsible for the public work may include in any questionnaire a request for special qualifications, experience or expertise necessary to perform the project or projects for which the prequalification is sought. For any project-specific information required, the department shall set objective scoring criteria and incorporate the criteria into any scoring procedure.

(2) The department responsible for the public work shall advertise any prequalification questionnaire in the same manner required for bids, as set forth in Section 6.21 of this Chapter.

(3) Prequalification shall be valid for not more than two years following the date of initial prequalification.

(4) A prospective bidder may dispute a finding that he/she is not prequalified. The dispute and

request for review must be in writing and received by the department within ten calendar days from the date the department issued notice of non-prequalification. The department shall then provide the prospective bidder with the basis for its finding and any supporting evidence used in the determination. The department shall give the prospective bidder the opportunity to rebut the evidence provided and to present evidence as to why the prospective bidder should be found qualified. If a bidder fails to avail itself of this dispute process, the department's finding shall become final without further notice. Failure to be prequalified shall not by itself preclude a prospective bidder from participating in other or future prequalifications. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 58-05, File No. 041571, App. 4/1/2005)

SEC. 6.21. REQUIREMENTS FOR BIDS AND QUOTES.

(A) **Bids.** All Advertisements For Bids for construction contracts in excess of the Threshold Amount shall conform to and at a minimum require the following:

(1) **Published Advertisement.** The department head authorized to execute the contract for the public work or improvement to be performed shall advertise for competitive bids in at least one local newspaper or periodical of general circulation. Such advertisement shall be published not fewer than ten (10) days prior to bid opening. The department may, in its discretion, include in the published advertisement the amount of the engineer's estimate for the work to be performed.

(2) **Award and Certification Required.** All published advertisements and Advertisements For Bid shall contain the following language [wording in brackets should be chosen as appropriate to the department]:

In accordance with San Francisco Administrative Code Chapter 6, no bid is accepted and no contract in excess of [the Threshold Amount] is awarded by the City and County of San Francisco until such time as [(1) for departments with boards or commissions, (a) the department head recommends the contract for award and (b) the board or commission then adopts a resolution awarding the contract], or [(2) for departments

under the Mayor, (a) the Mayor or the Mayor's designee approves the contract for award and (b) the department head then issues an order of award.] Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds.

Failure of a department to include such language in a published advertisement or Advertisement For Bids does not give rise to a contract right by a bidder or contractor outside of the requirements of the Charter or Administrative Code of the City and County of San Francisco.

(3) **Form of Bid.** All bids shall be sealed and directed to the department head advertising for bids, in the format prescribed by the department head with the authority to execute the contract.

(4) **Bid Bond.** All bids in excess of \$25,000 shall be accompanied by a corporate surety bond, or an irrevocable letter of credit on a bank or trust company doing business and having an office in the State of California, having a combined capital and surplus of at least \$50,000,000, and subject to supervision or examination by Federal or State authority, or a certified check on a bank or trust company doing business and having an office in the State of California, having a combined capital and surplus of at least \$50,000,000, and subject to supervision or examination by Federal or State authority, payable on sight to the City and County of San Francisco, the amount of which corporate surety bond, irrevocable letter of credit or certified check shall be fixed by the department head or officer as stated in the Advertisement For Bids, which amount shall not be less than 10 percent of the amount bid for the cost of the proposed work of improvement, and no bid shall be considered unless accompanied by a corporate surety bond or irrevocable letter of credit or certified check. Any irrevocable letter submitted pursuant to this Chapter shall be on a form provided by the City and County. If the amount of security required is fixed by the department head or officer in an amount in excess of \$15,000, the form of security required shall be that of a corporate surety bond or irrevocable letter of credit. The requirement for a corporate surety bond, irrevocable letter of credit or certified check described in this subsection shall be referred to collectively as the "bid security requirements."

Notwithstanding the above, the bid security requirements for a particular contract may be modified by the department head in accordance with Administrative Code Section 12D.A.9.(A)(4).

(5) **Fees.** The department head or officer calling for bids may specify in the Advertisement For Bids for any project a nonrefundable fee to be paid by each prospective bidder for each set of bidding documents (including plans and specifications), such fee to defray the cost of reproducing each set of bidding documents as determined by the department head or officer, and all such fees shall be deposited as an abatement of the expenditure of the appropriation against which the cost of reproducing said bidding documents was charged.

(6) **License.** The department head shall specify in all Advertisements For Bids and plans for public work projects the classification of the contractor's license which a contractor shall possess at the time bids are submitted. Bidders and their subcontractors are required to be properly licensed at the time of bid.

(7) **Qualifications.** The department head responsible for the public work shall require from all bidders information concerning their experience and financial qualifications and shall take such information into consideration in the award of any contract. At a minimum the department head shall require (1) information concerning the contractor's experience, financial qualifications and ability to perform the terms and conditions of the contract and (2) information as to whether the contractor possesses, or can obtain in time to perform the contract, the necessary equipment. In the event that a bidder fails to provide such information within fourteen calendar days of bid opening, or as otherwise required in the Advertisement For Bids, the department head could find that the bidder is refusing to enter into the contract, resulting in a forfeiture of the bidder's bid bond.

(8) **Business Tax Registration Certificate.** All Advertisements For Bids shall require that bidders submit proof of a current Business Tax Registration Certificate. Failure of a bidder to provide such proof within fourteen (14) calendar dues of bid opening, or as otherwise required in the Advertisement For Bids, could, at the discretion of the department head, constitute a refusal to enter into the contract and result in a forfeiture of the bid bond.

(9) **Designation of Subcontractors; Subcontracting and Subletting.** All bidders shall designate their subcontractors in accordance with and shall be subject to the California Subletting and Subcontracting Fair Practices Act, at Public Contract Code § 4100 *et seq.*, as amended from time-to-time. In addition to the penalties provided by Public Contract Code § 4100 *et seq.*, violation of this subsection may be grounds for a determination of nonresponsibility under Article V of this Chapter.

(10) **Work to Be Performed by General Contractor.** The Advertisement For Bids may specify the portion of work which must be performed by the General Contractor using his/her own forces. The specification may require the General Contractor to perform with his/her own forces up to 25% of the base contract work. Bidders must certify with their bids that, if awarded the contract, they will perform with their own forces the specified percentage of the total bid price (excluding alternates).

(B) **Quotes.** All requests for quotes for construction contracts less than or equal to the Threshold Amount shall be posted with three-days' notice. Such requests shall at a minimum require a contractor's license, qualifications, a Business Tax Registration Certificate, participation in an apprenticeship program and compliance with subcontractor listing laws, all in accordance with the listed provisions of Sections 6.21 and 6.22.

(C) **Right to Reject Any or All Bids or Quotes.** The department head shall have the right to reject any or all bids or quotes for any reason or no reason. All Advertisements For Bids shall reserve this right, but failure to make such reservation shall not abrogate the right to reject.

(D) **Bid Protests.** Only a bidder may submit a bid protest. The department head concerned shall prescribe in the Advertisement For Bids procedures for submitting bid protests. Such procedures shall set the time by which bid protests must be received but may not require that bid protests be submitted fewer than five (5) business days after the date bids are due. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 153-00, File No. 000805, App. 6/30/2000; Ord. 324-00, File No. 001919, App.

12/28/2000; Ord. 7-02, File No. 011675, App. 1/25/2002; Ord. 208-02, File No. 021221, App. 10/18/2002; Ord. 58-05, File No. 041571, App. 4/1/2005)

SEC. 6.22. PUBLIC WORK CONSTRUCTION CONTRACT TERMS AND WORKING CONDITIONS.

All construction contracts awarded by the City and County of San Francisco shall contain the following minimum terms and conditions:

(A) **Bonds.** Before the execution of any contract for public works or improvements, the department head authorized to execute such contracts shall require the successful bidder to file corporate surety bonds for the faithful performance thereof and to guarantee the payment of wages for services engaged and of bills contracted for material, supplies and equipment used in the performance of the contract. The bond shall be for a sum not less than 100 percent of the award.

The City and County of San Francisco, acting through its Human Rights Commission ("HRC"), intends to provide guarantees to private bonding assistance companies and financial institutions in order to induce those entities to provide required bonding and financing to eligible contractors bidding on and performing City public work contracts. This bonding and financial assistance program is subject to the provisions of Administrative Code Section 12D A.9

(B) **Insurance.** All construction contracts awarded under this Chapter must conform to the insurance requirements established by the Risk Manager. The Risk Manager shall develop uniform insurance requirements for City contracts subject to this Chapter and shall publish such requirements in the Risk Manager's Manual. The Risk Manager shall review and update such insurance requirements on an annual basis.

Every contractor and subcontractor shall comply with the provisions of California Labor Code section 3700. Prior to commencing the performance of work under any public work contract, the contractor and all of its subcontractors file with the awarding department a certificate of insurance against liability for workers compensation or proof of self-insurance in accordance with the provisions of the California Labor Code

(C) **Indemnification.** All construction contracts awarded under this Chapter shall require that the contractor fully indemnify the City and County to the maximum extent provided by law, such that each contractor must save, keep, bear harmless and fully indemnify the City and County and any of its officers or agents from any and all liability, damages, claims, judgments or demands for damages, costs or expenses in law or equity that may at any time arise.

This indemnification requirement may not be waived or abrogated in any way for any contract without the recommendation of the City's Risk Manager and the express permission and approval of the Board of Supervisors.

(D) **Assignment.** No contract shall be assigned except upon the recommendation of the department head concerned and with the approval of the Mayor or the Mayor's designee, relative to the department under the Mayor's jurisdiction, or the approval of the board or commission concerned for departments not under the Mayor.

(E) **Prevailing Wages.**

(1) **Generally.** All contractors and subcontractors performing a public work or improvement for the City and County of San Francisco shall pay its workers on such projects the prevailing rate of wages as provided below. For the purpose of prevailing wage requirements only, the definition of a public work shall include those public works or improvements defined in the foregoing section 6.1 of this Chapter and shall also include (a) any trade work performed at any stage of construction (including preconstruction work) and (b) any public work paid for by the City and County of San Francisco with "the equivalent of money" under the meaning of Labor Code section 1720(b).

(2) **Leased Property Included.** For the limited purposes of this subsection, a "public work or improvement" also means and includes any construction work done under private contract when all of the following conditions exist:

(a) The construction contract is between private persons; and

(b) The property subject to the construction contract is privately owned, but upon completion of the construction work will be leased to the City and County of San Francisco for its use; and

(c) Either of the following conditions exist: (1) The lease agreement between the lessor and the City and County of San Francisco, as lessee, is entered into prior to the construction contract, or (2) The construction work is performed according to the plans, specifications, or criteria furnished by the City and

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County of San Francisco, and the lease agreement between the lessor and the City and County of San Francisco as lessee, is entered into during, or upon completion, of the construction work.

(3) **Determination of the Prevailing Wage.** It shall be the duty of the Board of Supervisors, from time to time and at least once during each calendar year, to fix and determine the prevailing rate of wages as follows:

On or before the first Monday in November of each year, the Civil Service Commission shall furnish to the Board of Supervisors data as to the highest general prevailing rate of wages of the various crafts and kinds of labor as paid in private employment in the City and County of San Francisco, plus "per diem wages" and wages for overtime and holiday work. The Civil Service Commission shall provide the Board of Supervisors data for "per diem wages" pursuant to California Labor Code sections 1773.1 and 1773.9, as amended from time to time. The Board of Supervisors shall, upon receipt of such data, fix and determine the prevailing rate of wages. The prevailing rate of wages as so fixed and determined by the Board of Supervisors shall remain in force and shall be deemed to be the highest general prevailing rate of wages paid in private employment for similar work, until the same is changed by the Board of Supervisors. In determining the highest general prevailing rate of wages per diem wages and wages for overtime and holiday work, as provided for in this section, the Board of Supervisors shall not be limited to the consideration of data furnished by the Civil Service Commission, but may consider such other evidence upon the subject as the Board shall deem proper and thereupon base its determination upon any or all of the data or evidence considered.

In the event that the Board of Supervisors does not fix or determine the highest general prevailing rate of wages in any calendar year, the rates established by the California Department of Industrial Relations for such year shall be deemed adopted.

(4) **Specifications to Include Wage Rate.** The department head authorized to execute a construction contract under this Chapter shall include in the contract specifications, or make available in the offices of the department or at the job site, a detailed statement of the prevailing rate of wages as fixed and

determined by the Board of Supervisors at the time the department issued the Advertisement For Bids on the contract. The contractor shall agree to pay to all persons performing labor in and about the public work or improvement the highest general prevailing rate of wages as determined pursuant to this Chapter, including wages for holiday and overtime work. If the specifications do not include the prevailing rate of wages, the specifications shall include a statement that copies of the prevailing rate of wages as fixed and determined by the Board of Supervisors are on file at the department's principal office or at the job site and shall be made available to any interested party on request.

(5) **Subcontractors Bound by Wage Provisions.** Every contract for any public work or improvement shall also contain a provision that the contractor shall insert in every subcontract or other arrangement which he or she may make for the performance of any work or labor on a public work or improvement. This provision shall be that the subcontractor shall pay to all persons performing labor or rendering service under said subcontract or other arrangement the highest general prevailing rate of wages as fixed and determined by the Board of Supervisors for such labor or services.

(6) **Records to be Kept by Contractors and Subcontractors.** Every public works contract or subcontract awarded under this Chapter shall contain a provision that the contractor shall keep, or cause to be kept, for a period of four years from the date of substantial completion of a public work, payrolls and basic records including time cards, trust fund forms, apprenticeship agreements, accounting ledgers, tax forms and superintendent and foreman daily logs for all trades workers performing work at or for a City and County of San Francisco public work or improvement. Such records shall include the name, address and social security number of each worker who worked on the project, including apprentices, his or her classification, a general description of the work each worker performed each day, the rate of pay (including rates of contributions for, or costs assumed to provide fringe benefits), daily and weekly number of hours worked, deductions made and actual wages paid. Every subcontractor who shall undertake the performance of any part of a public work or

improvement shall keep a like record of each person engaged in the execution of the subcontract.

The contractor shall maintain weekly certified payroll records for submission to the awarding department as required. The contractor shall be responsible for the submission of payroll records of its subcontractors. All certified payroll records shall be accompanied by a statement of compliance signed by the contractor indicating that the payroll records are correct and complete, that the wage rates contained therein are not less than those determined by the San Francisco Board of Supervisors and that the classifications set forth for each employee conform with the work performed.

All such records as described in this section shall at all times be open to inspection and examination of the duly authorized officers and agents of the City and County of San Francisco, including representatives of the Office of Labor Standards Enforcement.

Should the department head responsible for the public work or the Labor Standards Enforcement Officer determine that a contractor or subcontractor is not in compliance with the requirements of this subsection, the department head or the Labor Standards Enforcement Officer shall issue written notification to the contractor or subcontractor mandating compliance within not fewer than ten calendar days from the date of the notification. Should the contractor or subcontractor fail to comply as required in the notification, the department head who executed the contract or the Labor Standards Enforcement Officer may impose a penalty of \$25.00 for each calendar day of noncompliance, or portion thereof, for each worker. Upon the request of the responsible department head or the Labor Standards Enforcement Officer, the Controller shall withhold these penalties from progress payments then due or to become due.

(7) Additional Required Contract Provisions.

Every public works contract shall contain provisions stating that (1) the contractor will cooperate fully with the Labor Standards Enforcement Officer and other City employees and agents authorized to assist in the administration and enforcement of the prevailing wage requirements and other labor standards imposed on public works contractors by the Charter and Chapter 6 of the San Francisco Administrative Code,

(2) the contractor agrees that the Labor Standards Enforcement Officer and his or her designees, in the performance of their duties, shall have the right to engage in random inspections of job sites and to have access to the employees of the contractor, employee time sheets, inspection logs, payroll records and employee paychecks; (3) the contractor shall maintain a sign-in and sign-out sheet showing which employees are present on the job site; (4) the contractor shall prominently post at each job-site a sign informing employees that the project is subject to the City's prevailing wage requirements and that these requirements are enforced by the Labor Standards Enforcement Officer; and (5) that the Labor Standards Enforcement Officer may audit such records of the contractor as he or she reasonably deems necessary to determine compliance with the prevailing wage and other labor standards imposed by the Charter and this Chapter on public works contractors. Failure to comply with these requirements may result in penalties and forfeitures consistent with California Labor Code section 1776(g), as amended from time to time.

(8) Non-compliance with Wage Provisions—Penalties.

(a) **Penalty and Forfeiture.** Any contractor or subcontractor who shall fail or neglect to pay to the several persons who shall perform labor under any contract, subcontract or other arrangement on any public work or improvement as defined in this Chapter the highest general prevailing rate of wages as fixed by the Board of Supervisors under authority of this Chapter, shall forfeit; and, in the case of any subcontractor so failing or neglecting to pay said wage, the original contractor and the subcontractor shall jointly and severally forfeit to the City and County of San Francisco back wages due plus the penal sum of \$50 per day for each laborer, workman or mechanic employed for each calendar day or portion thereof, while they shall be so employed and not paid said highest general prevailing rate of wages, and in addition shall be subject to the penalties set forth in Article V of this Chapter, including debarment.

(b) **Enforcement.** It shall be the duty of the officer, board or commission under whose jurisdiction said public work or improvement is being carried on, made or constructed, when certifying to the Controller

any payment which may become due under said contract, to deduct from said payment or payments the total amount of said forfeiture provided for in this subsection. In doing so, the department head must also notify in writing the Labor Standards Enforcement Officer of his/her action. The Labor Standards Enforcement Officer may also, upon written notice to the department head who is responsible for the project, certify to the Controller any forfeiture(s) to deduct from any payment as provided for in this subsection. Certification of forfeitures under this subsection shall be made only upon an investigation by the responsible department head or the Labor Standards Enforcement Officer and upon written notice to the contractor identifying the grounds for the forfeiture or forfeitures. The Controller, in issuing any warrant for any such payment, shall deduct from the amount which would otherwise be due on said payment or payments the amount of said forfeiture or forfeitures as so certified.

(c) **Recourse Procedure.** If the contractor or subcontractor disagrees with the forfeiture as so provided in the foregoing subparagraph (b), then the following procedure applies:

(i) The contractor or subcontractor may request a hearing in writing within 15 days of the date of the notification of forfeiture. The request shall be directed to the City Controller. Failure by the contractor or subcontractor to submit a timely, written request for a hearing shall constitute concession to the assessment and the forfeiture shall be deemed final upon expiration of the 15-day period;

(ii) Within 15 days of receiving a proper request, the Controller shall appoint a hearing officer with knowledge and not less than five years' experience in labor law, prevailing wage, and/or wage and hour issues, and shall so advise the enforcing official and the contractor or subcontractor, and/or their respective counsel or authorized representative;

(iii) The hearing officer shall promptly set a date for a hearing. The hearing must commence within 45 days of the notification of the appointment of the hearing officer and conclude within 75 days of such notification unless all parties agree to an extended period;

(iv) The contractor or subcontractor shall have the burden of proving that the basis for the backwage and penalty assessment is incorrect;

(v) Within 30 days of the conclusion of the hearing, the hearing officer shall issue a written decision affirming, modifying, or dismissing the assessment. The decision of the hearing officer shall consist of findings and a determination. The hearing officer's findings and determination shall be final.

(vi) The contractor or subcontractor may appeal a final determination under this section only by filing in the San Francisco Superior Court a petition for a writ of mandate under California Code of Civil Procedure, section 1084, et seq., as applicable and as may be amended from time to time.

(d) **Distribution of Forfeiture.** The Controller shall withhold any forfeiture as provided in the foregoing paragraphs until such time as either the contractor or subcontractor has conceded to the forfeiture or, in the event of an objection, there is a determination no longer subject to judicial review. The Controller shall then distribute the amounts withheld in the following order: (1) the Labor Standards Enforcement Officer shall make its best efforts to distribute back wages withheld to the individual workers identified as not having been paid the proper wage rate; (2) the penal sums provided for above shall inure to the benefit of the general fund of the City and County of San Francisco; (3) the Controller shall hold the balance of any back wages in escrow for workers whom the Labor Standards Enforcement Officer, despite his/her best efforts, cannot locate; funds so held for two years or more shall be dedicated to the enforcement of the prevailing wage requirements.

(F) **Hours and Days of Labor.**

(1) **Generally.** For the purpose of meeting prevailing conditions and enabling employers to secure a sufficient number of satisfactory workers and artisans, no person performing labor or rendering service in the performance of any contract or subcontract for any public work or improvement as defined in this Chapter shall perform labor for a longer period than five days (Monday through Friday)

of eight hours each, with two 10-minute breaks per eight-hour day, except in those crafts in which a different work day or week now prevails by agreement in private employment. Any person working hours in addition to the above shall be compensated in accordance with the prevailing overtime standards and rates.

(2) Noncompliance—Penalties and Forfeiture.

Any contractor or subcontractor who shall violate any of the provisions of this subsection shall be liable for the same penalties and forfeits as those specified in Subsection 6.22(E) of this Chapter; penalties and forfeits shall be applicable for each laborer, mechanic or artisan employed for each calendar day or portion thereof whereon such laborer, mechanic or artisan is compelled or permitted to work more than the days and hours specified herein. The provisions of this subsection shall be made a part of all contracts and subcontracts for the construction of any public work or improvement.

(3) Contracts Outside City and County.

In the event that any public work or improvement is to be constructed outside of the City and County of San Francisco and at such a distance therefrom that those engaged in performing labor on said public work or improvement must under ordinary conditions remain at or near the site of said work or improvement when not actually engaged in the performance of labor thereon, then the officer, board or commission responsible for the construction of said public work or improvement may, in making specifications or letting contracts therefor, make provision therein for days and hours of labor beyond the limitations provided for in Section 6.22(F) of this Chapter; but not to exceed eight hours in any one calendar day, or six days in any calendar week. In the event that emergency conditions shall arise, making a change advisable during the performance of any such contract, or any portion thereof, the hours and days of labor may be extended beyond the limits hereinabove expressed; but not to exceed eight hours per day, upon the written authority of the officer, board or commission awarding such contract. Failure of the contractor to perform such contract within the time provided shall not constitute an emergency.

(G) Local Hiring.

(1) Contract Requirements. All construction contracts for public works or improvements to be performed within the boundaries of the City and County of San Francisco shall contain the following provisions:

Contractor agrees to make a good-faith effort, with the assistance of community organizations designated by the City or local labor union hiring halls, to hire qualified individuals who are residents of the City and County of San Francisco to comprise not less than 50% of each contractor's total construction work force, measured in labor work hours, and contractor promises to give special preference to minorities, women and economically disadvantaged individuals.

Contractor shall keep, and provide to the City, an accurate record showing the name, place of residence, hours employed and per diem pay of each person employed by the contractor, including full-time, part-time, permanent and temporary employees.

Contractor shall keep, and provide to the City, an accurate record describing in detail contractor's good-faith efforts to secure employment of residents of the City and County of San Francisco

A failure to abide by these contract provisions may result in the imposition of sanctions and penalties, including those provided for in San Francisco Administrative Code Section 6.80.

(2) Definitions.

"Qualified individual" shall mean an individual who (A) is eligible for a certified apprenticeship program in an applicable trade; (B) has completed a certified apprenticeship program in an applicable trade; or (C) has completed comparable time in an applicable trade.

"Resident of the City and County of San Francisco" shall mean an individual who is domiciled, as defined by Section 200(b) of the California Election Code, within the boundaries of the City and County during the entire time of the performance of the contract and who can verify his or her domicile, upon request of the contractor or City, by producing documentation such as a rent/lease agreement, telephone and utility bills or payment receipts, a valid California driver's license or identification card, and/or any other similar, reliable evidence that verifies that the individual is domiciled within the City and County of San Francisco.

"Economically disadvantaged" shall mean an individual who has been unable to secure employment in his or her trade for more than 20 working days in the past six months, or whose annual maximum income falls within the income limits established by the Mayor's Office of Community Development for the Community Development Block Grant (CDBG) programs.

(3) **Enforcement.** The Human Rights Commission shall be the City agency charged with the monitoring and enforcement of the provisions of this subsection.

(H) **Modifications—General Requirements.** If it becomes necessary in the prosecution of any public work or improvement under contract to make alterations or modifications or to provide for extras, such alterations, modifications or extras shall be made only on written recommendation of the department head responsible for the supervision of the contract, together with the approval of the Mayor or the Mayor's designee or the board or commission, as appropriate to the department, and also the approval of the Controller, except as hereafter provided. The Mayor or the board or commission, as appropriate to

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the department, may delegate in writing the authority to approve such alterations, modifications or extras to the department head, except as provided below. The Controller may delegate in writing the authority to encumber funds from prior appropriations for such alterations, modifications or extras to the department head prior to the certification for payment. Such authority, when granted, will clearly state the limitations of the changes to be encompassed.

(1) **Increasing or Decreasing Price.** Alterations, modifications or extras in any contract, which will increase or decrease the contract cost or scope, may be made or allowed only on the written recommendation of the department head responsible for the supervision of the contract stating the amount and basis for such increase or decrease. For any cumulative increase or decrease in price in excess of ten percent of the original contract price or scope, the department head shall obtain the approval of the Mayor or Mayor's designee or the board or commission as appropriate and also the approval of the Controller notwithstanding any delegation provided for above.

(2) **Extensions of Time.** Upon finding that work under a construction contract cannot be completed within the specified time because of an unavoidable delay as defined in the contract, the department head may extend the time for completion of the work. If the cumulative extensions of time exceeds ten percent of the original contract duration, the department head shall first obtain the approval of the Mayor, the Mayor's Designee, board or commission, as appropriate to the department notwithstanding any delegation provided for above. All time extensions shall be in writing, but in no event shall any extension be granted subsequent to the issuance of a certificate of final completion.

(a) **Time Extension Not Waiver of City's Rights.** The granting of an extension of time because of unavoidable delays shall in no way operate as a waiver on the part of the City and County or the department head, Mayor, board or commission of the right to collect liquidated damages for other delays or of the right to collect other damages or of any other rights to which the City and County is entitled.

(b) **No Extension Granted When Contract Based on Time Estimates.** When any award of contract has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, no extension of time may be granted on such contract beyond the time specified for completion, unless the liquidated damages for each day the work is uncompleted beyond the specified time shall be collected; provided, however, that this shall not apply to unavoidable delays due to acts of God.

(c) **Avoidable and Unavoidable Delay; Limitation of Damages for Delay.** The department head administering the public work shall have the authority to specify in the contract the delays that shall be deemed avoidable or unavoidable. The City and County shall not pay damages or compensation of any kind to a contractor because of delays in the progress of the work, whether such delays be avoidable or unavoidable; provided, however, the City and County may pay for (1) delays caused to the contractor by the City and County; and (2) such unavoidable delays as may be specifically stated in the contract. Such latter delays will be compensated for only under the conditions specified in the contract.

(d) **Notice of Delay Required.** The contractor shall promptly notify the department head in writing, of all anticipated delays in the prosecution of the work and, in any event, promptly upon the occurrence of a delay, the notice shall constitute an application for an extension of time only if the notice requests such extension and sets forth the contractor's estimate of the additional time required together with a full recital of the causes of unavoidable delays relied upon. The department head may take steps to prevent the occurrence or continuance of the delay, may classify the delay as avoidable or unavoidable and may determine to what extent the completion of the work is delayed thereby.

(1) **Liquidated Damages.** Any contract may provide a time within which the contract work, or portions thereof, shall be completed and may provide for the payment of agreed liquidated damages to the City and County for every calendar or working day thereafter during which such work shall be uncompleted.

(J) **Retention of Progressive Payments.** Any contract may provide for progressive payments, if the Advertisement For Bids shall so specify. No progressive payments under any contract shall be made which, with prior payments, shall exceed in amount 90 percent of the value of the work and labor and materials furnished. However, if the department head responsible for the public work determines that the contract is 50 percent or more complete, that the contractor is making satisfactory progress and that there is no specific cause for greater withholding, the department head may authorize that either (a) the amount held in retention be liquidated to an amount not less than 5% of the contract price, including all modifications, and that future progressive payments may not exceed 95% of the value of the work and labor and materials furnished or (b) once the amount held in retention equals an amount not less than 10% of the contract price, including all modifications, that no further retention be deducted from progressive payments. When the department head responsible for the public work determines that the contract is 95 percent complete, the department shall make no further payments to the contractor until the department head responsible for the public work determines the project to be 100% complete.

(K) **Inspection and Acceptance of Completed Work; Final Payment.** The department head authorized to execute any contract for public works or improvements shall be responsible for the inspection and acceptance of such work on completion. Such acceptance shall be in writing and shall include the certificate of the department head concerned that the work covered by the contract has been fully and satisfactorily completed in accordance with the plans and specifications therefor. Receipt of copy of such acceptance in writing shall constitute the Controller's authority to complete any payments due the contractor under the contract; provided that the Controller may make such additional investigation or inspection as is provided by Administrative Code Section 10.07.

(L) **Termination for Convenience.** In all contracts for the construction of any public work or improvement, the department head authorized to execute any contract for any public work or improvement may include in the specifications setting forth the terms and conditions for the

performance of the contract a provision that the City and County may terminate the performance of work under the contract whenever the department head shall determine, with the approval of the Mayor, the Mayor's designee or the board or commission concerned, that such termination is in the best interest of the City and County. Any such termination shall be effected by delivery to the contractor of a notice of termination specifying the extent to which performance of work under the contract is terminated and the date upon which such termination becomes effective. The department head is hereby authorized to include within such construction contract the appropriate language to implement this subsection.

(M) **Violations of Chapter 6; False Claims.** Every public work contract performed at the expense of the City and County of San Francisco, or the cost of which is paid for out of monies deposited in the treasury of the City and County, whether directly awarded or indirectly by or under subcontract, subpartnership, day labor, station work, piece work or any other arrangement whatsoever, shall incorporate the provisions of Article V (commencing at Section 6.80) of this Chapter, relating to administrative debarments and false claims. The failure to include such reference or incorporation shall not in any way abrogate the rights of the City and County under Article V of this Chapter.

(N) **Articles Not to be Prison Made.** No article furnished under any contract awarded under the provisions of this Chapter shall have been made in a prison or by convict labor except for articles made in prisons or by convicts under the supervision and control of the California Department of Corrections and limited to articles for use by the City and County's detention facilities.

(O) **Employment of Apprentices.** All construction contracts awarded under this Chapter shall require the Contractor to comply with the requirements of the State Apprenticeship Program (as set forth in the California Labor Code, Division 3, Chapter 4 [commencing at Section 3070] and Section 1777.5), as it may be amended from time to time, and shall require the Contractor to include in its subcontracts the obligation for subcontractors to comply with the requirements of the State Apprenticeship Program.

(P) **Safety.** All construction contracts awarded under this Chapter shall require the Contractor and all of its subcontractors to abide by the applicable Occupational Safety and Health statutes and regulations.

(Q) **Claims.** The City shall consider only those claims for additional payment under a public work contract that are certified and that conform to the contract requirements for claims, pricing, and schedule.

(1) **Claims by Contractors.** The contractor shall certify under penalty of perjury that (a) the claim is made in good faith; (b) the supporting data are accurate and complete to the best of Contractor's knowledge and belief; and (c) the amount requested accurately reflects the Contract adjustment for which the Contractor believes the City is liable. An individual or officer authorized to act on behalf of the Contractor shall execute the certification.

(2) **Claims by Subcontractors.** Subcontractors at any tier are not third-party beneficiaries of any Contract awarded under this Chapter. The City shall not consider a direct claim by any subcontractor. A Contractor presenting to the City any claim on behalf of a subcontractor must certify the subcontractor's claim in the same manner the Contractor would certify its own claim under the foregoing paragraph (1). (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 153-00, File No. 000805, App. 6/30/2000; Ord. 237-00, File No. 001207, App. 10/20/2000; Ord. 7-02, File No. 011675, App. 1/25/2002; Ord. 208-02, File No. 021221, App. 10/18/2002; Ord. 58-05, File No. 041571, App. 4/1/2005; Ord. 107-05, File No. 050215, App. 6/10/2005)

SEC. 6.23. PUBLIC WORKS TO BE PERFORMED BY THE CITY; BIDS BY CITY DEPARTMENTS.

(A) **Public Works Less Than or Equal to the Threshold Amount.** Any public work or improvement estimated to cost less than or equal to the Threshold Amount may be performed by the employment of the necessary labor and purchase of the necessary materials and supplies directly by the City and County.

(B) **Bids by City Departments.** Appropriate City and County departments may file sealed bids for the execution of any work to be performed under

a contract and shall not be required to furnish security or submit information relative to financial qualifications as provided in this Chapter. Any bid submitted by a department of the City and County, if it is the lowest bid, must be approved by the Controller before the award of contract. If the bid of a City and County department, as investigated and approved by the Controller, is the lowest, the contract shall be awarded to the department which shall record accurate unit costs of all direct and indirect charges incurred under any such contract. Such unit costs shall be reported to and audited by the Controller monthly and on completion of the work.

The Controller shall maintain records of bids filed by departments in relation to the total direct and indirect cost of each such work and shall report thereon periodically to the Mayor. The Controller may refuse to approve contracts with a department shown to be repeatedly underbidding on contract work and failing to complete same within the contract price or time.

(C) **Execution Of Work By City Upon Rejection or Failure of Bids.** When bids have been advertised pursuant to the required procedure and no responsive bid is received, or where only one responsive bid has been received, the department head, with the approval of the Mayor or the Mayor's designee, or the department head, with the approval of the board or commission to which he or she is responsible, may order the related work to be executed by the City and County in the most expeditious manner, provided however, that the cost of such work shall not exceed any bid price received for the same work. (Added by Ord. 286-99, File No. 991645, App. 11/5/99)

SEC. 6.24. OFFICE OF LABOR STANDARDS ENFORCEMENT.

(A) There is hereby created within the Department of Administrative Services an Office of Labor Standards Enforcement. The Office of Labor Standards Enforcement shall have the authority to ensure that public work contractors comply with the prevailing wage requirements and other labor standards imposed by the Charter, this Administrative Code and State and/or Federal Law on public work contractors. The Office shall be administered by the Labor Standards Enforcement Officer, who shall be

appointed by, and shall serve at the pleasure of, the Mayor. In appointing the Labor Standards Enforcement Officer, the Mayor shall consider, among other relevant factors, the individual's experience enforcing labor standards, including prevailing wage requirements, and the diversity of San Francisco in the construction industry. Subject to the approval of the Mayor and Director of the Department of Administrative Services, the Labor Standards Enforcement Officer shall develop and administer a plan for the enforcement of the prevailing wage requirements and other labor standards imposed by the Charter and this Chapter on public work contractors. The Labor Standards Enforcement Officer shall coordinate his or her activities with federal and state labor standards agencies. The Labor Standards Enforcement Officer shall direct the City's enforcement of the prevailing wage requirements and other labor standards imposed by the Charter and this Chapter on public work contractors as directed by the Mayor, and to this end all City departments shall cooperate with the Labor Standards Enforcement Officer. The Labor Standards Enforcement Officer has the authority to seek for violations of prevailing wage, working conditions and apprenticeship requirements all of the penalties imposed by this Chapter, including the authority to file charges, in the same manner and to the same extent as a department head, which may lead to the debarment of the contractor under Article V of this Chapter. The Labor Standards Enforcement Officer shall oversee the training of City personnel in the area of labor standards enforcement. In accordance with applicable law, the Mayor may enter into a contract for investigative and monitoring services to further the purposes of this section. In evaluating the qualifications of persons seeking that contract, the Mayor shall consider, among other relevant factors, the experience of those persons in monitoring and investigating labor standards compliance.

(B) Subject to the fiscal and budgetary provisions of the charter, the Office of Labor Standards Enforcement is authorized to receive from departments awarding public work contracts the amount reasonably calculated to pay for the costs, including litigation costs, of enforcing the City prevailing wage requirements and other labor standards for contracts awarded by those departments.

The Labor Standards Enforcement Officer shall supervise the expenditure of all funds appropriated for enforcement of prevailing wage requirements and other labor standards imposed by the Charter and this Chapter on public works contractors.

(C) The Labor Standards Enforcement Officer shall establish an administrative procedure to address allegations of labor standards violations in connection with any public work contract under this Chapter. The Labor Standards Enforcement Officer shall have sole authority over the administration of this complaint procedure. The complaint procedure shall include but need not be limited to the following: (1) any person may file a complaint, written or oral, alleging one or more violations of any labor standards requirement imposed by this Chapter on public work contractors; (2) before beginning to investigate the complaint, the Labor Standards Enforcement Officer shall determine if the allegations of the complaint are sufficient and based on that assessment shall determine to either dismiss it or proceed with an investigation; (3) if the Labor Standards Enforcement Officer at any time determines that the allegations contained in the complaint are without merit, the Labor Standards Enforcement Officer shall notify the complainant; and (4) if the Labor Standards Enforcement Officer finds that any allegations in a complaint have merit, the Labor Standards Enforcement Officer shall proceed in accordance with the enforcement procedures under Section 6.22 of this Chapter. This complaint procedure is applicable to allegations of labor standards violations in connection with any public work contract under this Chapter, but is not applicable to those matters under the administrative jurisdiction of the San Francisco Human Rights Commission. This procedure shall not preclude the Labor Standards Enforcement Officer from initiating or proceeding with an investigation on his or her own authority. All public work contractors and departments engaged in public work shall cooperate fully with the Office of Labor Standards Enforcement in connection with any investigation of any complaint filed in accordance with this complaint procedure. The Labor Standards Enforcement Officer may interview, either at the worksite or elsewhere, any witness who may have information relative to a complaint. (Added by Ord 237-00, File No. 001207, App. 10/20/2000; amended by Ord 208-02, File No. 021221, App. 10/18/2002; Ord 8-03, File No. 021856, App. 1/31/2003)

ARTICLE III: PROFESSIONAL SERVICES CONTRACTING

- Sec. 6.40. Competitive Procurement of Professional Services for Public Work Projects.
- Sec. 6.41. Requests for Competitive Proposals or Qualifications.
- Sec. 6.42. Professional Services Contract Terms.

SEC. 6.40. COMPETITIVE PROCUREMENT OF PROFESSIONAL SERVICES FOR PUBLIC WORK PROJECTS.

Notwithstanding any other provision of this Administrative Code, when a department is seeking outside temporary professional design, consultant or construction management services for a public work project, where the fee for such services shall exceed the minimum competitive amount, as defined below, the department shall procure such services through a competitive process based on qualifications.

(A) **Minimum competitive amount.** The minimum competitive amount for temporary outside professional service contracts shall be \$25,000. On January 1, 2005, and every five years thereafter, the Controller shall recalculate the minimum competitive amount to reflect any proportional increase in the Urban Regional Consumer Price Index from January 1, 2000, rounded to the nearest \$1,000.

(B) **Selection Process.** For professional services contracts in excess of the minimum competitive amount, the department head for the department empowered to contract for the public work shall designate one or more panels to review proposals and interview and rate respondents with respect to a request for proposals or qualifications for a professional services contract. A panel shall consist of not fewer than two persons. The department head may establish a multi-tier selection process whereby, for example, a technical panel recommends a shortlist of qualified respondents and a second panel ranks the shortlist.

The department head shall ensure that all panel members are impartial and that all respondents are treated fairly. The panel members rating the respondents shall do so according to their independent assessment of the respondent's qualifications for the public work project; questions relating to a respondent's expertise, qualifications and experience shall remain within the sole purview of the panel members.

Any rating sheet completed by any panel member may be considered a matter of public record, but the names of the individual panel members shall not. Any name appearing on a rating sheet produced in accordance with the Public Records Act or the San Francisco Sunshine Ordinance shall be redacted.

(C) **Negotiation.** Following the selection process outlined above, and should the department concerned desire to enter into a contract, the department head shall invite the highest-ranked qualified respondent to negotiate a professional services agreement. In the event that the department head determines, in the department head's sole discretion, that negotiations are unfruitful, the department head shall terminate negotiations in writing and may then invite the next-ranked respondent to negotiate a contract. In such event, the department head shall as soon as practicable make a report to the Mayor, board or commission as appropriate to the department. (Amended by Ord. 324-00, File No. 001919, App. 12/28/2000; Ord. 7-02, File No. 011675, App. 1/25/2002)

SEC. 6.41. REQUESTS FOR COMPETITIVE PROPOSALS OR QUALIFICATIONS.

All requests for competitive proposals or qualifications for temporary design, consultant or construction management services shall conform to and at a minimum require the following:

(A) **Evaluation Criteria.** The department head authorized to execute the contract shall determine the criteria by which the design, consultant or construction management service professionals shall

be evaluated, on a project-by-project basis. Such criteria shall be included as a part of any request for proposals or qualifications. The criteria shall be based primarily on qualifications and experience relevant to the services needed for the project. Except as prohibited by law, the department head, in his/her sole discretion, may determine that, in the best interests of the City and County of San Francisco, a consultant who participated in the master plan, conceptual phase or other preliminary work for a project, may compete to provide professional services in future phases of such project. In such event, the consultant may not use, nor may the selection panel consider, the consultant's prior work on the project to establish its experience or qualifications in the competitive process.

(B) Reservation of Rights to Reject or Cancel the Request for Proposals in Whole or Part. The department head authorized to execute the contract, upon approval of the Mayor, the Mayor's designee or the board or commission, as appropriate, may reject any or all proposals, in whole or in part, received in response to a request for proposals or qualifications. The right to reject shall be reserved in any request for proposals or qualifications, but the failure to include such reservation shall not abrogate the rights of the department head under this section or give rise to any right by any respondent.

(C) Award and Certification Required. All requests for proposals or qualifications shall contain the following language [wording in brackets should be chosen as appropriate to the department]:

In accordance with San Francisco Administrative Code Chapter 6, no proposal is accepted and no contract in excess of [the Threshold Amount] is awarded by the City and County of San Francisco until such time as [(1) for departments with boards or commissions, (a) the department head recommends the contract for award and (b) the board or commission then adopts a resolution awarding the contract; or [(2) for departments under the Mayor, (a) the Mayor or the Mayor's designee approves the contract for award and (b) the department head then issues and order of award]. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds.

Failure of a department to include such language in a request for proposals or qualifications does not give rise to a contract right by a respondent or contractor outside of the requirements of the Charter or Administrative Code of the City and County of San Francisco. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 58-05, File No. 041571, App. 4/1/2005)

SEC. 6.42. PROFESSIONAL SERVICES CONTRACT TERMS.

All contracts for temporary design, consultant and construction management services ("professional services") shall contain the following minimum terms and conditions:

(A) Guaranteed Maximum Costs. Professional service contracts shall provide for a Guaranteed Maximum Cost, including fees, travel and related expenses as necessitated by the project. Any modification to the Guaranteed Maximum Cost must be approved by the department head in writing and approved by the Mayor, the Mayor's designee or the board or commission concerned, as appropriate, and the Controller.

(B) Insurance. Notwithstanding any other provisions of this Chapter, all professional service contracts must conform to the insurance requirements established by the Risk Manager. The Risk Manager shall develop uniform insurance requirements for City contracts subject to this Chapter and shall publish such requirements in the Risk Manager's Manual. The Risk Manager shall review and update such insurance requirements on an annual basis.

(C) Indemnification. All professional services contracts awarded under this Chapter shall require that the contractor fully indemnify the City and County to the maximum extent provided by law, such that each contractor must save, keep, bear harmless and fully indemnify the City and County and any of its officers or agents from any and all liability, damages, claims, judgments or demands for damages, costs or expenses in law or equity that may at any time arise.

This indemnification requirement may not be waived or abrogated in any way for any contract without the recommendation of the City's Risk Manager and the express permission and approval of the Board of Supervisors.

(D) **Assignment.** No contract shall be assigned except upon the recommendation of the department head concerned and with the approval of the Mayor or the Mayor's designee, relative to the department under the Mayor's jurisdiction or the approval of the board or commission concerned for departments not under the Mayor.

(E) **Violations of Chapter 6; False Claims.** Every professional service contract performed at the expense of the City and County of San Francisco, or the cost of which is paid for out of monies deposited in the treasury of the City and County, whether directly awarded or indirectly by or under subcontract, subpartnership, subconsultancy or any other arrangement whatsoever, shall incorporate the provisions of Article V (commencing at Section 6.80) of this Chapter, relating to administrative debarments and false claims. The failure to include such reference or incorporation shall not in any way abrogate the rights of the City and County under Article V of this Chapter.

(F) **Modifications.** Professional service contracts may be modified only by written instrument, granted and approved by the City and County in the same manner the underlying contract was awarded. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 7-02, File No. 011675, App. 1/25/2002)

[Sections 6.43 through 6.59 reserved]

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ARTICLE IV: EXEMPTIONS FROM AND ALTERNATIVES TO COMPETITIVE BIDDING

- Sec. 6.60. Emergency Repairs, Work and Contracts.
- Sec. 6.61. Design-Build.
- Sec. 6.62. Job Order Contracts.
- Sec. 6.63. Hazardous Materials Abatement Work.
- Sec. 6.64. As-needed Contracts.
- Sec. 6.65. Contracting for Elevator, Escalator, Security, Fire Protection or Fire Alarm Systems Inspection, Maintenance and Repair Work.
- Sec. 6.66. Convention Facility Public Works.

SEC. 6.60. EMERGENCY REPAIRS, WORK AND CONTRACTS.

(A) **Declaration of Emergency.** The Board of Supervisors may declare an emergency and may direct any department head to perform any repair or other emergency work in any manner the Board determines to be in the best interests of the City and County of San Francisco.

(B) **Other Determinations of Emergency.** In an actual emergency as defined or described below, the repair, reconditioning or other work or contract necessitated by the emergency may be executed by the department head responsible for such work in the most expeditious manner, in accordance with the procedures set forth below.

(C) **Emergency Defined.** For purposes of this Chapter, an "actual emergency" means a sudden, unforeseeable and unexpected occurrence involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of or damage to, life, health property or essential public services. An "actual emergency" shall also mean the discovery of any condition involving a clear and imminent danger to public health or safety, demanding immediate action. Examples of an actual emergency may include, but are not limited to, the following:

(1) Weather conditions, fire, flood, earthquake or other unforeseen occurrences of unusual character; or

(2) The breakdown or imminent breakdown of any plant, equipment, structure, street or public work necessitating immediate emergency repair or reconditioning to safeguard the lives or property of the citizens; or the property of the City and County; or to maintain the public health or welfare; and

(a) Including the installation, repair, construction and alteration of crossings and switch work and special work in connection therewith at street and other railway crossings and at street intersections when the same is to be done by or for the Public Transportation Commission; or

(b) Including the installation, repair, construction and alteration of the fire alarm, police communication and traffic signal systems, when the same is to be performed by or for the Department of Telecommunications and Information Services or the Department of Parking and Traffic; or

(c) Including the work of making connections, installing gate valves, installing or transferring services and performing such other work therewith to existing water pipes when the same is to be done by or for the Public Utilities Commission and when such work will leave one or more fire hydrants or water consumers without water; or

(3) Unforeseen occurrences of unusual character resulting in an insufficient number of hospital beds or the lack of hospital beds or the lack of hospital, surgical, mental health or hospital ancillary services so as to leave patients of the City and County without required hospital or medical services.

(D) **Approvals Required.** If the estimated cost of the emergency work is less than or equal to \$250,000 the department head may proceed with the work without additional approvals. If the estimated cost of the emergency work exceeds \$250,000, the department head prior to authorizing the commencement of the work, must first secure the

approval in writing of the Mayor or the Mayor's designee or the president of the board or commission concerned as appropriate to the department. For all cases where the cost of the emergency work exceeds \$250,000 the department head shall also obtain the approval of the Board of Supervisors.

If the emergency does not permit the required approvals to be obtained before work is commenced or the contract entered into, such approvals shall be obtained as soon thereafter as it is possible to do so. In such event, the department head concerned shall notify the Controller immediately of the work involved or the contract entered into and the estimated cost thereof and shall notify the Board of Supervisors not more than seven days after work has been commenced.

(E) **Exemptions.** Contracts awarded in accordance with this section under emergency circumstances as described and defined above are exempt from the requirements of this Chapter and Chapters 12A, 12B, 12C and 12D.A. However, the department head must comply with the certification requirement of Administrative Code Section 12D.A.15(A)(2). It is, however, the policy of the Board of Supervisors for contracting departments to make every effort to comply with the provisions of Chapters 12A, 12B, 12C and 12D.A. In order to effectuate this policy, the department heads authorized to enter into construction contracts and their staff members shall collaborate with the HRC Director and HRC staff members periodically to create a list of responsible contractors qualified to perform various types of emergency work, making every effort to include qualified, responsible MBE and WBE contractors on that list. The HRC shall be responsible for outreach efforts to make sure that MBE and WBE contractors are aware of the opportunity to be considered for the list. The contract awarding departments or commissions shall be responsible for evaluating and determining whether contractors are responsible and qualified to perform the various scopes of work. The department heads of departments authorized to execute construction contracts shall report quarterly to the Board of Supervisors regarding MBE/WBE inclusion on the list of responsible and qualified contractors for emergency contracts, a description of each emergency contract awarded, the reason why the work was performed

under these emergency procedures, and whether the emergency contract was awarded to an MBE or WBE contractor. Such reports shall be referred to a Board committee for public hearing.

(F) **Indemnification For Emergency Contracts.** Department heads responsible for any emergency work are hereby authorized to (a) waive any requirement that a contractor performing such emergency work indemnify the City and County and/or (b) enter into a contract which provides that the City and County indemnify such contractor, except that the City and County shall in no event indemnify a contractor for the contractor's gross negligence or willful misconduct. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 58-05, File No. 041571, App. 4/1/2005)

SEC. 6.61. DESIGN-BUILD.

The department heads authorized to execute contracts for public work projects are authorized to seek proposals from qualified private entities ("developers") for design-build construction and/or financing of public work projects under the following conditions:

(A) Before the request for proposals is issued, the department head shall determine that a design-build program is necessary or appropriate to achieve anticipated cost savings or time efficiencies, or both, and that such a process is in the public's best interest.

(B) If the proposed public work project is for the use or benefit of a department that is under the jurisdiction of a commission, then such commission shall first approve the solicitation of design-build and/or finance proposals. If the public work project is not for the use or benefit of a department under the jurisdiction of a commission, then the City Administrator must first approve this process.

(C) Developers submitting design-build proposals shall offer evidence of qualifications in the field of design and construction of similar projects. The department head may request developers to create partial designs, which will be evaluated as part of the selection process.

(D) Developers submitting private financing proposals shall provide evidence of the commitment of funds necessary to privately finance the proposed projects to completion.

(E) Developers shall comply with all applicable requirements set forth in San Francisco Administrative Code Chapters 12B, 12C and 12D.A. The request for proposals shall require developers to demonstrate good faith efforts to utilize MBE and WBE subcontractors/subconsultants pursuant to San Francisco Administrative Code Chapter 12D.A.

(F) The department head shall evaluate developers' proposals and rank the proposals to determine which provides the best overall value to the City and County in regard to the following criteria: (1) plan for expediency in completing the proposed project; (2) lifecycle cost to the City and County; (3) qualifications of the developers to design-build and, if applicable, finance the proposed project; (4) qualifications of the developers to construct the proposed project; (5) quality of design proposal; (6) compliance with the goals and requirements of Administrative Code Chapters 12B, 12C and 12D.A.; (7) commitment to meet the City hiring goals (e.g., welfare-to-work); (8) if private financing is sought, commitment of funds, cost of funds and terms to the City; and (9) compliance with all the requirements and criteria established by the Department head in the request for proposals. The cost criterion shall constitute not less than sixty percent of the overall evaluation.

(G) The competitive bid requirements of this Chapter shall not apply to the selection of developers under this Section 6.61.

(H) Subject to paragraph (I) below, the department head is authorized to negotiate all proposed contracts necessary or appropriate for the proposed project with the highest ranked developer. If the department head determines that contract negotiations with the highest-ranked developer are not proceeding satisfactorily, the department head may terminate such negotiations and enter into negotiations with the next-highest-ranked developer. If the department head deems a contract to have successfully been negotiated with a developer, the department head may then recommend such proposed contract to the Board of Supervisors for approval. The City shall retain the absolute discretion to determine not to proceed with any proposed project, which right may

be exercised without liability to developers for costs incurred during the entire proposal and negotiation process, and such rights shall be reserved in all requests for proposals.

(I) All final contracts for a public work project that involve a design-build and/or finance program shall be subject to the award provisions of Article I of this Chapter. If the proposed contract involves a financing program, the Capital Improvement Advisory Committee must review and report on the proposed project before the board, commission, Mayor or his/her designee takes any action with respect to award of the contract.

(J) All actions heretofore taken by a department head consistent with the provisions of this section are hereby approved. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 153-00, File No. 000805, App. 6/30/2000; Ord. 58-05, File No. 041571, App. 4/1/2005)

SEC. 6.62. JOB ORDER CONTRACTS.

The job order contracting system ("JOC") provides for an indefinite quantity contract with a predefined set of bid items that are assigned on a periodic or task order basis for the performance of public work maintenance, repair and minor construction projects. The department heads authorized to execute contracts for public work projects are authorized to utilize JOC according to the procedures set forth below.

(A) Each JOC contract is to be advertised for competitive bids in accordance with the procedures set forth in this Chapter and awarded to the responsible bidder who submits the lowest responsive bid.

(B) The Advertisement For Bids shall include unit prices and detailed technical specifications for each construction task contemplated to be performed under the JOC contract. Each task item shall include direct costs for material, equipment and labor. Construction tasks shall be grouped by trade.

(C) The Advertisement For Bids for a JOC contract shall contain the City's estimate regarding the percentage of work under the JOC contract that will be performed by each trade. The Human Rights Commission shall set goals for MBE/WBE

subcontractor participation in accordance with Administrative Code Chapter 12D.A. Calculation of whether a contractor's bid has met the goals will be based on the City's estimate of the amount of work that will be performed by each trade.

(D) Contractor's bid shall identify by trade group which tasks will be performed by contractor and which tasks will be performed under subcontract. Contractor shall identify in its bid all subcontractors to be utilized, including the subcontractors' name, business tax registration certificate number, license number and the location of the place of business of each subcontractor. Contractor agrees that it is qualified for and will perform with its own forces work of all trades for which a subcontractor is not listed in the bid. This paragraph supercedes the listing requirements of Section 6.21. Substitutions of JOC subcontractors shall be in accordance with California Public Contract Code Section 4107. Penalties set forth in Administrative Code Sections 6.22 and 6.80 shall apply to JOC contracts for violation of this section.

(E) Contractors submitting bids on the JOC contract shall state in their bids an adjustment on a percentage basis either increasing or decreasing the unit prices for all construction tasks set forth in the bid documents. There may be a single adjustment factor that applies to all tasks. For example, an adjustment factor of 25% below the unit prices stated in the bid documents would be bid as .75. All of the contractor's profit, overhead and indirect costs shall be included in the adjusted unit prices.

(F) The Advertisement For Bids and the contract specifications shall contain a maximum dollar amount of the JOC contract, which maximum amount shall not exceed three million dollars. The cumulative modifications to a JOC contract shall result in a contract sum not to exceed one hundred-fifty percent of the original contract amount.

(G) JOC contracts shall provide for an expiration term of not more than three years, including all modifications.

(H) Projects will be assigned under the JOC contract on a work order basis at the sole discretion of the department head concerned. Except for departments with capital programs over \$1 Billion, no

work order shall exceed \$200,000, including all modifications. For departments with capital programs over \$1 Billion, no work order shall exceed \$400,000, including all modifications. A department may issue or modify any work order(s) to exceed the foregoing limits only upon the department head's written determination establishing the urgency of the work and the justification for proceeding under this Section 6.62 rather than by formal competitive process.

(I) A contractor who enters into a JOC contract with a particular City department is not eligible during the term of such JOC contract to submit a bid on a subsequent JOC contract advertised by the same contracting department; however, a contractor may submit a bid on a subsequent JOC contract advertised by the same contracting department if the contractor's existing JOC contract will expire in 120 days or fewer of if the contractor has performed work valued by the City in an amount equal to or exceeding 90% of the maximum dollar amount of the existing JOC contract (Added by Ord. 286-99, File No. 991645, App. 11/5/99, amended by Ord. 324-00, File No. 001919, App. 12/28/2000; Ord. 58-05, File No. 041571, App. 4/1/2005)

SEC. 6.63. HAZARDOUS MATERIALS ABATEMENT WORK.

When the Director of Public Works (the "Director") determines: (1) that hazardous materials on public property must be expeditiously abated (the "work"), and (2) that there is inadequate time to advertise and competitively bid the work in accordance with this Chapter, then the work may be performed in accordance with the following procedures:

(A) The Department of Public Works shall advertise for and receive proposals from hazardous materials abatement contractors, which proposals shall address the qualifications of the contractors to perform the abatement work. The proposals shall be evaluated according to the requirements of this Chapter and Chapters 12B, 12C and 12D.A. relevant to professional services contracts.

(B) The Department of Public Works shall select a sufficient number of qualified contractors to perform the amount of hazardous materials abatement work anticipated to be required in the upcoming one or

more years and enter into master agreements on an "if- and as-needed" basis with those contractors. Each master agreement shall state the maximum total dollar value of work each contractor is authorized to perform during the contract period.

(C) The Department shall seek price quotations for performance of the work from at least three of the contractors with master agreements. The contract for the work will be awarded to the contractor submitting the lowest quotation, except as otherwise provided herein. The Department shall keep a record of such quotations and a register of all awards made thereunder. In the event that the Department is unable to obtain three quotations, the Director shall base the award on the quotation or quotations received. If the Director believes that the public interest would best be served by accepting other than the lowest quotation, he or she is hereby authorized to accept the quotation that in his or her discretion will best serve the public interest. The Director may reject any and all quotations and request new quotations. (Added by Ord. 286-99, File No. 991645, App. 11/5/99)

SEC. 6.64. AS-NEEDED CONTRACTS.

A department head authorized to execute public work and professional service contracts may issue an Advertisement For Bids for construction services or a request for proposals or qualifications for professional services on an as-needed basis, with definite or indefinite quantities of work. Work shall be assigned on a contract service order basis. None of the requirements of this Chapter or Administrative Code Chapters 12B, 12C or 12D.A are waived for as-needed contracts.

All as-needed contracts shall provide for a not-to-exceed price and an expiration term of not more than five years, including all modifications. However, the department head shall not issue any new contract service order after three years from the date of award. Additionally, the cumulative modifications to an as-needed contract shall result in a contract sum not to exceed one hundred-fifty percent of the original contract amount. Before any item of work is commenced under an as-needed contract, the cost of such work must be certified by the Controller as to the availability of funds. No contract service order or multiple contract service orders for any single public

work, whether in one phase or multiple phases, shall cumulatively exceed \$200,000, including all modifications. For departments with capital programs over \$1 Billion, no contract service order or multiple contract service orders, as described above, shall cumulatively exceed \$400,000, including all modifications. A department may issue or modify any contract service order(s) to exceed the foregoing limits only upon the department head's written determination establishing the urgency of the work and the justification for proceeding under this Section 6.64 rather than by formal competitive process.

The department heads authorized to execute public work and professional service contracts shall report quarterly to the Board of Supervisors regarding the department's use of as-needed contracts and the actual amount of participation of MBE and WBE subcontractors or consultants that were listed on prime contractors' bid(s) or proposal(s) to determine whether MBE/WBE subcontracting participation goals are being met on as-needed contracts. Such reports shall be referred to a Board committee for public hearing. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 58-05, File No. 041571, App. 4/1/2005)

SEC. 6.65. CONTRACTING FOR ELEVATOR, ESCALATOR, SECURITY, FIRE PROTECTION OR FIRE ALARM SYSTEMS INSPECTION, MAINTENANCE AND REPAIR WORK.

Department heads who are authorized to execute public work contracts under this Chapter are hereby authorized to award contracts for the inspection, maintenance and repair services of existing elevator, escalator, security, fire protection or fire alarm systems ("special services") in accordance with the following procedures:

(A) The department shall award master agreement contracts, on an "if-and-as-needed" basis to special service providers who can establish experience, expertise, and quality of work. A potential special service provider may apply for a master agreement under this section by providing the department with a statement of its experience and qualifications and other information as requested by the department. Within 60 days of receiving such

information, the department shall advise the applicant of its eligibility for an award of a master agreement. Master agreements for special services shall conform to the insurance, indemnification and prevailing wage requirements of Section 6.22 of this Chapter. Master agreements shall provide for an expiration term of not more than five years from the date of award, including all modifications.

(B) For performance of specific tasks, the department shall seek price quotations from at least three of the special service providers with master agreements. The department shall issue a contract service order for the work to the provider submitting the lowest quotation, except as provided below. In the event that the department is unable to obtain three quotations, the department head shall base the issuance of the contract service order on the quote or quotes received. If the department head believes that the public interest would best be served by accepting other than the lowest quotation, he or she is hereby authorized to accept the quotation that in his or her discretion will best serve the public interest. The department head may reject any and all quotations and request new quotations. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 58-05, File No. 041571, App. 4/1/2005)

SEC. 6.66. CONVENTION FACILITY PUBLIC WORKS.

When construction work is required for the City-owned convention facilities, such services may be procured in accordance with the following procedures:

(A) Bids will be requested from not fewer than three bidders for a construction contract. The contract will be awarded to the responsible bidder with the lowest responsive bid. A record of all bids received and a register of all awards made under this subsection shall be maintained. In the event three bids cannot be obtained, the award shall be based on the bid or bids received. Any or all bids may be rejected and new bids may be requested.

(B) Authority to undertake the contracting process and enter into contract directly with the contractor may be delegated to the operator/manager of the convention facilities. In such event, the City Administrator or his or her designee shall first review

the propriety of the process and shall approve the award of any contract.

(C) In no event shall the award of contracts by the procedures set forth in this subsection exceed the cumulative sum of three million dollars (\$3,000,000) in any fiscal year.

Except as provided herein, any contract awarded under this subsection must comply with this Chapter and with Chapters 12B, 12C and 12D.A.

All of the contracts awarded and work performed under this subsection shall be reported to the Board of Supervisors on a quarterly basis. (Added by Ord. 286-99, File No. 991645, App. 11/5/99)

[Sections 6.67 through 6.79 reserved]

**ARTICLE V: VIOLATIONS OF ADMINISTRATIVE CODE CHAPTER 6;
FALSE CLAIMS; PROCEDURES FOR DEBARMENT;
MONETARY PENALTIES**

- Sec. 6.80. Violations and False Claims;
Debarment and Monetary Penalties.
- Sec. 6.81. Collusion in Contracting.
- Sec. 6.82. Procedures for Administrative
Debarment.
- Sec. 6.83. Assessment of Monetary Penalties for
False Claims: Investigation and
Prosecution.

**SEC. 6.80. VIOLATIONS AND FALSE
CLAIMS; DEBARMENT AND MONETARY
PENALTIES.**

Any contractor, subcontractor, supplier, consultant or subconsultants who fails to comply with the terms of its contract with the City and County; or who violates any provision of Administrative Code Chapter 6; or who fails to abide by any rules and/or regulations adopted pursuant to Administrative Code Chapter 6; or who submits false claims; or who has violated against any government entity a civil or criminal law relevant to its ability to perform under or comply with the terms and conditions of a contract with the City and County, may be declared an irresponsible bidder or an unqualified consultant and debarred according to the procedures set forth in Chapter 28 of this Administrative Code. Additionally, any contractor, subcontractor, supplier, consultant or subconsultant who submits a false claim to the City and County may also be subject to monetary penalties, investigation and prosecution as described below.

In the event that such a violation of this Chapter, including the submission of one or more false claims, comes to the attention of a board or commission or department head responsible for public work, the department head must investigate the matter. The department head must report the findings of any such investigation by letter to the Board of Supervisors within 30 days of the completion of the investigation.

The investigation letter to the Board of Supervisors must state the name of the contractor, subcontractor, supplier, consultant or subconsultant; the nature of the violation; the results of the investigation; and the department head's plan for addressing the violation, if any. A hearing shall also be called in the Audit Committee of the Board of Supervisors to report on this investigation. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 324-00, File No. 001919, App. 12/28/2000; Ord. 7-02, File No. 011675, App. 1/25/2002; Ord. 8-04, File No. 031503, App. 1/16/2004)

SEC. 6.81. COLLUSION IN CONTRACTING.

If, at the determination of the Mayor, the department head who executed the construction or professional services contract or the board or commission who awarded such contract, and pursuant to the debarment procedures set forth below, any party or parties to whom a contract has been awarded has been guilty of collusion with any officer or representative of the City and County, or any other party or parties, in the submission of any bid or in preventing of any other being made, or in knowingly receiving preferential treatment by any officer or an employee of the City and County, then any contract so awarded, if not completed, may be declared null and void by the Board of Supervisors on the recommendation of the Mayor, department head or the board or commission concerned, and no recovery shall be had thereon. The department head concerned may then readvertise for bids for the uncompleted portion of the work. The matter may also be referred to the City Attorney for such action as may be necessary. Any party or parties guilty of such collusion shall not be permitted to participate in or to bid on any future public work, improvement or purchase to be made by the City and County. (Added by Ord. 286-99, File No. 991645, App. 11/5/99)

SEC. 6.82. PROCEDURES FOR ADMINISTRATIVE DEBARMENT.

Notwithstanding and not exclusive or preclusive of any pending or contemplated legal action, any contractor, subcontractor, supplier, consultant or subconsultant directly or indirectly subject to the provisions of this Chapter may be determined irresponsible and disqualified from contracting with the City and County of San Francisco in accordance with the provisions of Chapter 28 of this Administrative Code. (Added by Ord. 286-99, File No. 991645, App. 11/5/99; amended by Ord. 7-02, File No. 011675, App. 1/25/2002; Ord. 8-04, File No. 031503, App. 1/16/2004)

SEC. 6.83. ASSESSMENT OF MONETARY PENALTIES FOR FALSE CLAIMS: INVESTIGATION AND PROSECUTION.

Notwithstanding and not exclusive or preclusive of any other administrative or legal action taken by the City and County, a contractor may be assessed monetary penalties for submitting false claims. The department head responsible for the public work may withhold such penalties from amounts due or retained under the contract. Notwithstanding and not exclusive or preclusive of any administrative or other legal action, the City Attorney may investigate and prosecute in a civil action any submission of a false claim.

The submission of a false claim occurs when a contractor, subcontractor, supplier, consultant or subconsultant commits any of the following acts enumerated below. In such event, the contractor, subcontractor, supplier consultant or subconsultant shall be liable to the City and County for (1) three times the amount of damages which the City and Count sustains because of the act(s) of that contractor, subcontractor, supplier, consultant or subconsultant; and (2) the costs, including attorney's fees of a civil action brought to recover any of those penalties or damages. Such contractor, subcontractor, supplier, consultant or subconsultant may also be liable to the City and County for a civil penalty of up to \$10,000 for each false claim.

(1) Knowingly presents or causes to be presented to an officer or employee of the City and County a false claim or request for payment or approval;

(2) Knowingly makes, uses, or causes to be made or used a false record or statement to get a false claim paid or approved by the City and County;

(3) Conspires to defraud the City and County by getting a false claim allowed or paid by the City and County;

(4) Knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the City and County;

(5) Is a beneficiary of an inadvertent submission of a false claim to the City and County, subsequently discovers the falsity of the claim, and fails to disclose the false claim to the City and County within a reasonable time after discovery of the false claim.

Liability under this section shall be joint and several for any act committed by two or more persons.

For purposes of this section "claim" includes any request or demand for money, property or services made to any employee, officer, or agent of the City and County, or to any contractor, subcontractor, grantee or other recipient, whether under contract or not, if any portion of the money, property, or services requested or demanded issued from, or was provided by, the City and County.

For purposes of this section, "knowingly" means that a contractor, subcontractor, supplier, consultant or subconsultant with respect to information does any of the following: (1) has actual knowledge of the information; (2) acts in deliberate ignorance of the truth or falsity of the information, or (3) acts in reckless disregard of the truth or falsity of the information. Proof of specific intent is not required and reliance on the claim by the City and County is also not required. (Added by Ord. 286-99, File No. 991645, App. 11/5/99)

CHAPTER 7: DISASTER COUNCIL

CHAPTER 7: DISASTER COUNCIL

- Sec. 7.1. Chapter—Purposes; “Emergency” Defined and Construed.
- Sec. 7.2. Agreement to Abide by State Master Mutual-Aid Agreement.
- Sec. 7.3. Disaster Council—Created; Composition; Appointment of Members.
- Sec. 7.4. Disaster Council—Powers and Duties.
- Sec. 7.4-1. Reports to Disaster Council.
- Sec. 7.5. The Emergency Services of San Francisco—Composition.
- Sec. 7.6. The Emergency Services of San Francisco—Mayor; Powers and Duties.
- Sec. 7.6-1. The Emergency Services of San Francisco—Use of the Standardized Emergency Management System.
- Sec. 7.7. The Emergency Services of San Francisco—Director; Powers and Duties.
- Sec. 7.9. The Emergency Services of San Francisco—Organizational Provisions.
- Sec. 7.10. Police Auxiliary Reserve.
- Sec. 7.11. Fire Auxiliary Reserve.
- Sec. 7.15. Powers to Combat Contaminating Agents.
- Sec. 7.16. Compensation, Immunities and Oath of Members.
- Sec. 7.17. Violations of Chapter; Penalty.
- Sec. 7.18. Expenditures.
- Sec. 7.19. Board of Supervisors’ Review of City’s State of Disaster Preparedness.

SEC. 7.1. CHAPTER—PURPOSES; “EMERGENCY” DEFINED AND CONSTRUED.

(a) **Chapter—Purposes.** The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this City and County in the event of an emergency; the direction of emergency services; and the coordination of the emergency functions of this City and County with all other public agencies, corporations, organizations, and affected private persons.

(b) **“Emergency” Defined and Construed.** As used in this Chapter, an emergency shall exist when proclaimed by the Mayor. It shall include, but is not limited to, the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City and County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, including conditions resulting from war or imminent threat of war or any actual or threatened enemy attack or sabotage. Upon such occurrences the responsibility devolves upon the regularly constituted authorities for the maintenance of public peace and order and the preservation of life and property. This responsibility does not extend to conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City and County, requiring the combined forces of other political subdivisions to combat. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.2. AGREEMENT TO ABIDE BY STATE MASTER MUTUAL-AID AGREEMENT.

The Board of Supervisors does, by resolution, hereby approve and agree to abide by the California Disaster and Civil Defense Master Mutual-Aid Agreement. (Resolution 11053 (Series of 1939))

SEC. 7.3. DISASTER COUNCIL—CREATED; COMPOSITION; APPOINTMENT OF MEMBERS.

The City and County Disaster Council is hereby created and shall consist of the following:

- (a) The Mayor, who shall be the chair.
- (b) The vice-chair, who shall be appointed by the Mayor, and who, in the absence of or at the direction of the Mayor, shall act on his or her behalf on matters within the purview of this Chapter.
- (c) Such officers in charge of emergency services as are provided for in the current emergency plan of this City and County.
- (d) Such other representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Mayor.
- (e) Three members of the Board of Supervisors, to be appointed by the President of the Board.
- (f) Controller.
- (g) The Director of Emergency Services who shall be the Executive Secretary. (Amended by Ord. 40-72, App. 2/25/72; Ord. 278-96, App. 7/3/96)

SEC. 7.4. DISASTER COUNCIL—POWERS AND DUTIES.

It shall be the duty of the City and County Disaster Council and it is hereby empowered:

- (a) To develop a plan for meeting any emergency, such plan to provide for the effective mobilization of all the resources of the community, both public and private; and to prepare and recommend for consideration and adoption by the Board of Supervisors such ordinances and resolutions and rules and regulations as are necessary to implement the emergency plan;
 - (b) To develop and recommend for consideration and adoption by the Board of Supervisors mutual-aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements; and
 - (c) To meet upon call of the chair, but no less often than on a quarterly basis.
- By enacting this Chapter, the City and County hereby agrees to follow the rules and regulations

established by the California Emergency Council under the provisions of the California Emergency Services Act, Chapter 7 of Division 1 of Title 2 of the Government Code (Stats. 1970, Chapter 1454-Assembly Bill 560) effective November 23, 1970. (Amended by Ord. 40-72, App. 2/25/72; Ord. 133-05, File No. 050697, App. 6/30/2005)

SEC. 7.4-1. REPORTS TO DISASTER COUNCIL.

Following any declared emergency, activation of the City's Emergency Operations Center, or credible disaster warning, the Office of Emergency Services shall submit a written report to the Disaster Council and the Board of Supervisors describing and evaluating the City's response. (Added by Ord. 253-05, File No. 051357, App. 11/17/2005)

SEC. 7.5. THE EMERGENCY SERVICES OF SAN FRANCISCO—COMPOSITION.

All officers and employees of the City and County, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 7.6, Subsection (b), paragraph (3) of this Chapter, be charged with duties incident to the protection of life and property in the City and County during such emergency, shall constitute the City and County of San Francisco Emergency Services organization. The structure, organization, duties, and functions of the City and County Emergency Services shall be set forth in the emergency plan duly recommended for approval by the Disaster Council and approved and promulgated by the Mayor. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.6. THE EMERGENCY SERVICES OF SAN FRANCISCO—MAYOR: POWERS AND DUTIES.

- (a) The Mayor is hereby empowered
 - (1) To proclaim the existence or threatened existence of a local emergency as set forth under Section 3.100 of the Charter of the City and County of San Francisco and to terminate the local emergency,

(2) To request the Governor to proclaim a state of emergency when, in the opinion of the Mayor, the locally available resources are inadequate to cope with the emergency;

(3) To control and direct the effort of the City and County Emergency Services organization for the accomplishment of the purposes of this Chapter;

(4) To direct cooperation between and coordination of services and officers in charge of the Emergency Services organization of the City and County; and resolve questions of authority and responsibility that may arise between them;

(5) To represent this City and County in all dealings with public or private agencies on matters pertaining to emergencies as defined herein; and

(6) To accept and approve on behalf of and without cost to the City and County, and in cooperation with the federal government and the State of

[Section 7.6 continues on page 199.]

[Section 7.6 continues on page 199.]

California, licenses or privileges granted for the use of private property for the sole purpose of temporarily sheltering persons against fallout radiation from enemy attack.

(b) In the event of the proclamation of a local emergency as herein provided, the proclamation of a state of emergency by the Governor or the Director of the State Office of Emergency Services, or the existence of a state of war emergency, the Mayor is hereby empowered and it shall be his or her duty:

(1) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;

(2) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the City and County for the fair value thereof and, if required immediately, to commandeer the same for public use;

(3) To require emergency services of any City officer or employee and, in the event of the proclamation of a state of emergency in this City and County or the existence of a state of war emergency, to command the aid of as many citizens of this community as the Mayor deems necessary in the execution of his or her duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by State law for registered disaster service workers;

(4) To requisition necessary personnel or material of any city department or agency;

(5) To enter into agreements with public and private agencies for the performance of such special services and duties as may be necessary in the judgment of the Mayor to carry out the provisions of this Chapter; and

(6) To execute all of his or her ordinary powers as Mayor, all of the special powers conferred upon him or her by this Chapter, and all powers conferred upon him or her by any other lawful authority. (Amended by Ord. 40-72, App. 2/25/72; Ord. 259-99, File No. 991364, App. 10/15/99)

SEC. 7.6-1. THE EMERGENCY SERVICES OF SAN FRANCISCO—USE OF THE STANDARDIZED EMERGENCY MANAGEMENT SYSTEM.

The Emergency Services of San Francisco shall use the Standardized Emergency Management System

as specified in the California Code of Regulations, Title 19, Chapter 1, in responding to, managing, and coordinating multiple agency or multiple jurisdiction incidents, emergencies, and disaster operations, whether single or multiple discipline. (Amended by Ord. 40-72, App. 2/25/72; Ord. 278-96, App. 7/3/96; Ord. 259-99, File No. 991364, App. 10/15/99)

SEC. 7.7. THE EMERGENCY SERVICES OF SAN FRANCISCO—DIRECTOR; POWERS AND DUTIES.

There is hereby created the office of Director of Emergency Services, who shall be appointed by the Mayor. The Mayor, as chair of the Disaster Council and Commander of Emergency Services, shall employ a Director of Emergency Services, who shall have the expert qualifications for the work of emergency preparedness and relief and whose duty it shall be, subject to the general supervision of the Mayor and with the assistance of officers in charge of the Emergency Services, to develop and manage an emergency plan of the City and County, to coordinate all protective and relief services for the City and County, the training of all personnel connected therewith and the operation and implementation of all emergency plans and activities. As far as the Disaster Council and the Emergency Services and this work is concerned, the Director shall be subordinate only to the Mayor and he or she shall work in close cooperation with the Disaster Council and with the heads of the several departments of the municipal government and the officers in charge of the Emergency Services. Under the general supervision of the Mayor, the Director shall maintain the necessary contacts with the State Emergency Council and the several local disaster councils within this metropolitan area, in order that coordination of the work of the Disaster Council with the State Emergency Council and other disaster councils may be had. The Director shall serve as the Executive Secretary of the City and County Disaster Council and shall have such other powers and duties as may be assigned by the Mayor. The compensation of the Director shall be fixed in accordance with the fiscal and budgetary provisions of the Charter. (Amended by Ord. 40-72, App. 2/25/72; Ord. 419-93, App. 12/23/93; Ord. 278-96, App. 7/3/96; Ord. 286-98, App. 9/18/98)

SEC. 7.9. THE EMERGENCY SERVICES OF SAN FRANCISCO—ORGANIZATIONAL PROVISIONS.

The emergency functions of the Emergency Services organization shall be set forth in the Emergency Operations Plan of the City. Department heads responsible for planning, coordination, and integration of personnel from other city departments and agencies into their services for emergency operations shall be designated in the plan. These designated department heads shall formulate functional emergency plans which, when approved by the Disaster Council, shall become an annex to the Emergency Operations Plan. These department heads shall also develop such mutual aid agreements as may be approved by the Board of Supervisors. Departments with area-wide functions and responsibilities may become parties to joint venture emergency action agreements or compacts with the recommended approval of the Disaster Council.

Purchaser of Supplies. The Purchaser of Supplies of the City and County shall be the custodian of special equipment and other property obtained from any source for use of the Emergency Services Organization. He or she is authorized to act as the agent of the City and County to receive from any agency the loan of any such equipment or property upon such conditions as may be prescribed by such agency. He or she shall keep an account of the property entrusted to his or her control according to the terms of its acceptance, and where there are no terms provided by such agency, then upon such terms as the commander may prescribe. He or she shall keep records of the receipt and distribution of such property and may issue or distribute such property only to the persons entitled thereto under the rules of the Emergency Services. Any property now held by him or her for the use of the City and County Disaster Corps shall be transferred to the use of the Emergency Services of San Francisco.

American Red Cross. The American Red Cross is an independent organization that works in close collaboration with local governments on emergency and disaster relief. The Bay Area Chapter of the American Red Cross shall operate as a component of the City's Emergency Services organization and the chapter chair or the chair's designee shall serve as a

liaison between the chapter and the Emergency Services organization. The chapter shall furnish basic emergency assistance to individuals affected by disaster, such as food, clothing, emergency shelter, registration, disaster welfare inquiry, supplemental basic medical services, and other types of assistance. The Red Cross, as an independent non-profit organization, shall fund all its relief activities. When requested, personnel and other resources of the Emergency Services organization may be used to supplement the Red Cross during disasters or emergencies. (Amended by Ord. 40-72, App. 2/25/72; Ord. 259-99, File No. 991364, App. 10/15/99)

SEC. 7.10. POLICE AUXILIARY RESERVE.

The following terms as used in this Section shall have the meaning ascribed to them, as follows:

"Chief" shall mean the Chief of Police.

"Commission" shall mean the Police Commission.

"Members" shall mean member of the San Francisco Police Auxiliary Reserve.

"Reserve" shall mean the San Francisco Police Auxiliary Reserve.

(a) The San Francisco Police Auxiliary Reserve is hereby created. The Reserve of not more than 800 members shall be under the direction of the Chief of Police and shall be subject to such rules and regulations as the Police Commission may prescribe.

(b) The Commission shall, by rule, prescribe the qualifications and standards by which applicants for membership in the Reserve shall be governed. Persons possessing the qualifications and conforming to the standards may be appointed to the Reserve by the Chief.

(c) Members shall perform such public service as may be ordered by the Chief. It shall be unlawful for any person wilfully to resist, delay or obstruct any member in the discharge, or the attempt to discharge, of any duties of his or her office.

(d) The Reserve is hereby assigned the duty of preparing against the perils to life and property that may be expected to result from enemy attack or sabotage, or from any emergency that may threaten lives and property. Any duties assigned to its members shall be deemed to be training in preparation against such perils.

(e) In the enforcement of the penal laws of the State of California, the penal ordinances of the City and County and in the performance of such other duties as may be designated by the Chief, every duly authorized member shall be deemed to have all the powers of a peace officer.

(f) The approved dress, star and equipment to be worn and carried by the members shall be as determined by rule of the Commission, subject to the fiscal provisions of the Charter.

(g) It shall be unlawful for any person to impersonate or falsely represent himself or herself to be a member, or, without authorization, to wear, use or possess a star used by the Reserve.

(h) The Chief may dismiss a member from the Reserve, without any hearing whatsoever. Each member shall have the right to resign from the Reserve at any time.

(i) To be eligible for membership in the Reserve, each applicant must indicate his or her willingness to serve an average minimum of 16 hours per month in the public service. Where any member has failed to give such minimum hours of service for a period of two months, the Chief shall inquire into the reasons therefor. Unless good reason is shown for such failure to render the minimum hours herein required, the Chief may dismiss the member from the Reserve.

(j) The Reserve shall be deemed to be a part of the law enforcement and traffic service of the Emergency Services organization.

(k) The Commission is hereby authorized, directed and empowered to prepare and promulgate such rules, regulations and revisions, and amendments thereof, as may, in its discretion, be necessary to carry out the express intent of this Section. (Amended by Ord. 40-72, App. 2/25/72; Ord. 259-99, File No. 991364, App. 10/15/99)

SEC. 7.11. FIRE AUXILIARY RESERVE.

The following terms as used in this Section shall have the meaning ascribed to them, as follows:

"Chief" shall mean the Chief of the Fire Department.

"Commission" shall mean the Fire Commission.

"Member" shall mean member of the San Francisco Fire Auxiliary Reserve.

"Reserve" shall mean the San Francisco Fire Auxiliary Reserve.

(a) The San Francisco Fire Auxiliary Reserve is hereby created. The Reserve of not more than 800 members shall be under the direction of the Chief of the Fire Department and shall be subject to such rules and regulations as the Fire Commission may prescribe.

(b) The Commission shall, by rule, prescribe the qualifications and standards by which applications for membership in the Reserve shall be governed and persons possessing the qualifications and conforming to the standards may be appointed to the Reserve by the Chief.

(c) Members shall perform such public service as may be ordered by the Chief. It shall be unlawful for any person wilfully to resist, delay, or obstruct any member in the discharge, or the attempt to discharge, of any duties of his or her office.

(d) The Reserve is hereby assigned the duty of preparing against the perils to life and property that may be expected to result from enemy attack or sabotage or from any emergency that may threaten lives and property. Any duties assigned to the members shall be deemed to be training in preparation against such perils.

(e) The approved dress, badge and equipment to be worn and carried by the members shall be as determined by rule of the Commission, subject to the fiscal provisions of the Charter.

(f) It shall be unlawful for any person to impersonate or falsely represent himself or herself to be a member, or, without authorization, to wear, use or possess a badge used by the Reserve.

(g) The Chief may dismiss a member from the Reserve, without any hearing whatsoever, and each member shall have the right to resign from the Reserve at any time.

(h) To be eligible for membership in the Reserve, each applicant must indicate his or her willingness to serve an average minimum of 16 hours per month in the public service. Where any member has failed to give such minimum hours of service for a period of two months, the Chief shall inquire into the reasons therefor. Unless good reason is shown for such failure to render the minimum hours herein required, the Chief may dismiss the member from the Reserve.

(i) The Reserve shall be deemed to be a part of the Auxiliary Fire Service of the Fire and Rescue Service of the Emergency Services organization.

(j) The Commission is hereby authorized, directed and empowered to prepare and promulgate such rules, regulations and revisions, and amendments thereof, as may, in its discretion, be necessary to carry out the express intent of this Section. (Amended by Ord. 40-72, App. 2/25/72; Ord. 259-99, File No. 991364, App. 10/15/99)

SEC. 7.15. POWERS TO COMBAT CONTAMINATING AGENTS.

The following terms as used in this Section shall have the meaning ascribed to them, as follows:

"Contaminated" shall signify the condition wherein any person or thing has come in contact with a contaminating agent, and in so doing, has become an actual or potential menace to the health of himself or herself or that of any person by reason of such contact.

"Contaminating agent" shall include, but not be specifically limited to, such items as chemical substances, bacteriological media, radiation or radioactive substances which may be employed in or result from an enemy attack or may be present within an area following a natural disaster or domestic accident.

Whenever an emergency occurs in the City and County wherein it becomes evident or reasonable to assume that as a result of such emergency a contaminating agent is present within a specific area, which contaminating agent is injurious to and endangering the public health, the Director of Public Health, or his or her duly authorized representative, shall have the following powers:

(a) To monitor with prescribed detection devices any person whom he or she has reason to believe has become contaminated;

(b) To cause any person to discard any wearing apparel which he or she has reason to believe has become contaminated;

(c) To cause any person to discard any property which monitoring or other evidence has revealed to be contaminated to a degree injurious to the health of any person;

(d) To prohibit any person who is contaminated, or who is wearing contaminated clothing, from entering an uncontaminated area without undergoing prescribed decontamination procedures;

(e) To cause any person who has become contaminated to undergo prescribed decontamination procedures;

(f) To cause any person to vacate an area which he has reason to believe has become contaminated, or where other great menace to health resulting from such emergency exists;

(g) To prohibit entry of any unauthorized person to an area where there is evidence of contamination, or where other great menace to health resulting from such emergency exists;

(h) To set up areas for the reception and storage of contaminated property and materials; and

(i) To prohibit any unauthorized person from removing any article which has been placed in an area for the reception and storage of contaminated property and materials.

For the purpose of this Section, the Chief of Police and every police officer, and every auxiliary police reserve officer acting under the orders of the Chief of Police shall be deemed a duly authorized representative of the Director of Public Health. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.16. COMPENSATION, IMMUNITIES AND OATH OF MEMBERS.

All persons, other than officers and employees of the City and County volunteering services pursuant to the provisions of this Chapter and the Emergency Plan, shall serve without compensation from the City and County. While engaged in such services, they shall have the same immunities as officers and employees of the City and County performing similar duties. All volunteers, other than noncitizen volunteers, shall be required to take an oath in a form to be prescribed and approved by the Disaster Council, the oath to be administered to the noncitizen volunteer worker only upon consent of the worker. Current data maintained to provide information for deployment of volunteer workers shall include the status of the oath for each such workers. (Amended by Ord. 40-72, App. 2/25/72; Ord. 259-99, File No. 991364, App. 10/15/99)

**SEC. 7.17. VIOLATIONS OF CHAPTER;
PENALTY.**

It shall be a misdemeanor, punishable by a fine of not to exceed \$1,000, or by imprisonment for not to exceed one year, or both, for any person, during an emergency to:

(a) Wilfully obstruct, hinder or delay any member of the Emergency Services in the enforcement of any lawful rule or regulation issued pursuant to this Chapter, or in the performance of any duty imposed upon him or her by virtue of this Chapter;

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this Chapter, if such act is of such a nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of this City and County, or to prevent, hinder or delay the defense or protection thereof;

(c) Wear, carry, or display, without authority, any means of identification specified by the Emergency Agency of the State of California or by the Director of Emergency Services for the City and County of San Francisco. (Amended by Ord. 40-72, App. 2/25/72; Ord. 259-99, File No. 991364, App. 10/15/99)

SEC. 7.18. EXPENDITURES.

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City and County. (Added by Ord. 40-72, App. 2/25/72)

**SEC. 7.19 BOARD OF SUPERVISORS'
REVIEW OF CITY'S STATE OF DISASTER
PREPAREDNESS.**

At least once a year, if requested by the Mayor, the Board of Supervisors, sitting as a committee of the whole, or a committee of the Board, shall hold a hearing on the state of the City's disaster preparedness. The Board may call upon any City officer, employee, or department to provide information necessary or appropriate for the hearing. (Added by Ord. 134-05, File No. 050698, App. 6/30/2005)

CHAPTER 8: DOCUMENTS, RECORDS AND PUBLICATIONS

CHAPTER 8: DOCUMENTS, RECORDS AND PUBLICATIONS

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SEC. 8.1. "RECORDS" DEFINED.

"Records," as used in this Chapter, shall mean such paper, book, photograph, film, sound recording, map, drawing or other document, or any copy thereof, as has been made or received by the department in connection with the transaction of public business and may have been retained by the department as evidence of the department's activities, for the information contained therein, or to protect the legal or financial rights of the City and County or of persons directly affected by the activities of the City and County. (Ord. No. 7070 (1939), Sec. 1)

SEC. 8.2. RESPONSIBILITY FOR PRESERVATION AND FILING OF RECORDS.

The head of every department shall be responsible for the preservation and proper filing of papers, film or other records of the department and the ultimate disposition of the same in accordance with the applicable law. (Ord No. 7070 (1939), Sec. 1; amended by Ord. 530-88, App. 12/16/88)

SEC. 8.3. RETENTION AND DESTRUCTION OF RECORDS GENERALLY.

It shall be the duty of each department head to classify the department's records, using the classifications set forth in Section 8.4 of this Code, and to prepare a schedule for the systematic retention and destruction of such records, which schedule shall comply with the provisions of this Section and of Sections 8.4 and 8.9 of this Code and will be effective only upon approval by the officers and boards specified below.

Current records and storage records, as defined in Section 8.4 of this Code, may be destroyed five years after they were created if they have served their purpose and are no longer required for any public business or other public purpose, except that records pertaining to financial matters shall be destroyed only after approval by the Controller; those having legal significance only after approval by the City Attorney; and payroll checks, time cards and related documents only after approval by the Retirement Board.

If requested by the Retirement Board, payroll checks, time cards and related documents shall be delivered to the Retirement Board instead of being destroyed. Current records and storage records less than five years old may be destroyed or otherwise disposed of if their destruction or other disposition within a shorter length of time will not be detrimental to the City and County or defeat any public purpose and if a definitive description of such records and the retention period applicable to them are set forth in a schedule for the systematic retention and destruction of records that is prepared by the department head, approved by the Mayor or the Mayor's designee, or the board or commission concerned, and approved by the City Attorney as to records of legal significance, by the Controller as to records relating to financial matters, by the Retirement Board as to time rolls, time cards, payroll checks and related matters.

Permanent records, as defined in Section 8.4 of this Code, and essential records, as defined in Section 8.9 of this Code, shall not be destroyed or otherwise disposed of except as set forth in those sections.

The provisions of this Section do not apply to sound recordings of radio or telephone communications as described in Section 8.3-1

Nothing in this Section shall be deemed to apply to or authorize the destruction of any records that are required to be retained by local, State or federal law. (Amended by Ord. 583-81, App. 12/10/81, Ord 530-88, App. 12/16/88; Ord 278-96, App. 7/3/96)

SEC. 8.3-1. SOUND RECORDINGS.

(a) The words "sound recordings," as used in this Section, mean the routine daily taping and recording of telephone communications to and from a department of the City and County of San Francisco and all radio communications relating to the operations of that department

[Section 8.3-1 continues on page 209.]

(b) The San Francisco Municipal Railway shall retain sound recordings relating to its operations for at least one year. The San Francisco Police Department and Fire Department shall retain sound recordings relating to their respective operations for at least six months.

(c) Any department not mentioned in Section 8.3-1(b) shall retain sound recordings relating to its operations for at least 100 days.

(d) Sound recordings of any department may be destroyed or otherwise disposed of at any time upon authorization of the department head and the written consent of the City Attorney; provided, that the minimum time limits for retention set forth in this section are complied with and provided further that in the event that sound recordings maintained by a department are evidence in any claim filed or any pending litigation, such recordings shall be preserved until pending litigation is resolved. (Added by Ord. 583-81, App. 12/10/81)

SEC. 8.4. RECORDS CLASSIFICATIONS.

"Records," as defined in Section 8.1 of this Code, shall for the purposes of this Chapter be divided into three classifications: current records, storage records and permanent records.

"Current records" are records which for convenience, ready reference or other reason are retained in office space and equipment of the department involved.

"Storage records" are records which need not be retained in office space and equipment of the department involved, but which must be, or should be, prudently preserved for a time or permanently in the facilities of a records center, as specified in the following section.

"Permanent records" are records required by law to be permanently retained. Unless otherwise required by law or regulation, permanent records shall be stored by microfilming the paper records or placing them on an optical imaging storage system, placing the original film or tape in a State-approved storage vault and delivering a copy to the department. The paper records may then be destroyed. (Ord. No. 7070 (1939), Sec. 3; amended by Ord. 530-88, App. 12/16/88)

SEC. 8.5. ESTABLISHMENT, USE, ETC., OF RECORDS CENTER.

The Director of Administrative Services shall provide for the establishment, maintenance and operation of a records center for the orderly storage, care, management and safeguarding of storage records of the departments and offices of the City and County and of the San Francisco Unified School District and for the destruction of storage records pursuant to retention and destruction schedules prepared and approved as provided in Section 8.3 of this Code. The Director of Administrative Services may establish, maintain and operate such a records center as a function of one of the departments under the Director of Administrative Services' jurisdiction or, in lieu thereof may contract with a reputable and experienced archival firm to establish, maintain and operate such a records center and to provide retrieval and accession services.

A representative of the Director of Administrative Services may also be available as a consultant to departments in the formulation of paper records storage alternatives such as microfilming and optical imaging records storage systems.

Within two years from the effective date of such contract, and at three-year intervals thereafter, the Director of Administrative Services shall have prepared for public hearing at the Board of Supervisors a report on the merits and demerits of the contract as compared with a municipal records center. Any of the departments or offices of the City and County and the San Francisco Unified School District may elect to use the facilities of the records center for its storage records provided that: (a) copies of an approved schedule for systematic retention and destruction of records shall first be delivered to the Director of Administrative Services and to the records center; and (b) the cost for the use of the records center facilities shall be the obligation of, and be paid by, the department or office using the facilities or by the San Francisco Unified School District if it shall use the facilities. (Amended by Ord. 111-76, App. 4/1/76; Ord. 530-88, App. 12/16/88; Ord. 278-96, App. 7/3/96)

SEC. 8.7. PREREQUISITES TO DESTRUCTION OF RECORDS; SALE IN LIEU OF DESTRUCTION.

(a) Before any book, document, photograph, map, architectural drawing, record, bond certificate, or other material of historical significance is destroyed, the following procedure shall be observed:

(1) It shall be offered by the officer concerned, i.e., the Mayor or the Mayor's designee, or by boards or commissions for departments under their respective jurisdiction, to the San Francisco History Room of the San Francisco Public Library;

(2) Such items not accepted by the San Francisco Public Library may be sold by the office of the Mayor, together with copies thereof;

(3) In the event the Public Library declines to accept said historical material, or after sale thereof by the Mayor, any remaining such historical material may be offered to an historical society.

(b) After all the steps outlined in Paragraph (a) above have been observed, any remaining historical records, as well as any large volume of records without historic significance which are to be destroyed, shall be offered for sale by the City Purchaser. The sales contract must provide that the buyer guarantees to the satisfaction of the City Purchaser that the records will be shredded beyond identification or otherwise destroyed within a short period of time after taking delivery. (Amended by Ord. 306-72, App. 10/19/72; Ord. 70-95, App. 3/24/95; Ord. 278-96, App. 7/3/96; Ord. 260-99, File No. 991365, App. 10/15/99)

SEC. 8.8. DISPOSAL OF OBSOLETE LAW BOOKS.

The City Attorney is authorized to destroy or otherwise dispose of any and all obsolete law books or other published legal materials in his or her possession or control which have been a part of the library of the office of the City Attorney once such materials have been superseded or are otherwise determined to be obsolete. (Ord. No. 3646 (1939), Sec. 1; amended by Ord. 330-00, File No. 001964, App. 12/28/2000)

SEC. 8.9. PRESERVATION OF ESSENTIAL RECORDS.

It is hereby declared that the public interest

demand that various City and County records which would be essential to the continuity of government and the protection of rights and interests of individuals in event of a major disaster (hereinafter referred to as "essential records") be preserved against possible destruction by fire, earthquake, flood, enemy attack or other cause. It shall be the duty of each department head to develop a program for the selection and preservation of the essential records of the department and to arrange for safe storage of those essential records and duplicates thereof in the same manner as is provided for the storage of permanent records under Section 8.4 of this Code. (Amended by Ord. 126-62, App. 5/24/62; Ord. 530-88, App. 12/16/88)

SEC. 8.12.2. COST OF PUBLICATION, ETC.

When funds have been provided, the Purchaser of Supplies may publish such manuals, documents, pamphlets, bulletins or other publications as may be deemed to be in the best interests of the City and County, or for information, upon the recommendation of a department head, and with the approval of the Mayor or the Mayor's designee, board or commission.

The cost of handling and distribution by the Purchaser of Supplies in accordance herewith shall be payable out of the departmental funds referred to in this Section. (Added by Ord. 259-73, App. 7/3/73; amended by Ord. 278-96, App. 7/3/96)

SEC. 8.12.3. DISPOSITION OF MONEY.

All moneys received from the sale of documents or printed publications shall be paid as revenue into the City and County treasury to the credit of the fund from which the cost of the printing of the manuals, documents, pamphlets or other publications sold shall have been paid. (Added by Ord. 259-73, App. 7/3/73)

SEC. 8.12.4. FREE PUBLICATIONS.

Copies of publications of the Board of Supervisors required for the use of a City and County department shall be furnished upon issuance of a proper requisition supported by available funds of the requisitioning department. The Purchaser of Supplies shall, upon requisition from the Clerk of the Board of Supervisors, furnish, free of charge, copies of publications for distribution to such governmental agencies, persons or institutions affected with a public

interest outside the City and County as request them, and which, in the opinion of the Clerk, are entitled to them by reason either of reciprocation or policy. (Added by Ord. 259-73, App. 7/3/73)

SEC. 8.12-1. SALE OF SYSTEMS TIME AND PROGRAMMING TIME.

The Purchaser of Supplies, with the approval of the Director of Telecommunications and Information Services, and the recommendation of the Controller, is authorized to enter into agreements to sell systems time and programming time at rates established by the Purchaser and the Controller. (Added by Ord. 364-68, App. 12/26/68; amended by Ord. 278-96, App. 7/3/96)

SEC. 8.14. MEDICAL EXAMINER'S FEES FOR COPIES OF DOCUMENTS AND CERTAIN SERVICES.

(a) The Medical Examiner is hereby authorized to charge fees to defray the cost of the issuance of the following mentioned documents and the providing of the following services. Any persons requesting or requiring such documents or services shall pay the following fees:

Proof of death for insurance purposes . . .	\$ 5.00
Statement to attending physician at death . . .	5.00
Certified copy of verdict of inquest	5.00
Non-contagious letter	5.00
Certified copy of Medical Examiner's report	30.00
Copy (not certified) of Medical Examiner's report	0.10/page
Disaster bags for decomposed, accident or infectious cases	41.00
Forensic autopsy performed on non-Medical Examiner's cases or outside county	3,000.00
X-rays	100.00 each
Copies of X-rays	20.00 each
Re-cut microscopic slides	20.00 each
Outside use of facilities for identification of remains	30.00
Storage of remains for funeral directors for other than Medical Examiner's cases, per day	51.00

Removal of remains at Medical

Examiner's Office prior to completion of investigation (Gov. Code § 27472), Medical Examiner's cases. (The charge, if not paid, may be considered a part of the funeral expense and paid as a preferred charge against the estate of the decedent.) . . . \$ 350.00

Storage of remains following completion of investigation and notification of family or funeral director of completed investigation, Medical Examiner's cases, per day . . . 51.00

Removal and storage of remains from rest homes or other agencies that have no facilities for cold storage . . . 100.00

Direct cremation of remains 700.00

Autopsy reports to hospitals and attending physicians 5.00

Certified copy of letter confirming death pending completion of autopsy 5.00

Forensic alcohol report 10.00*

Supporting documentation for results of forensic alcohol report 6.00/page

Blood quantitation for drugs 250.00 per drug

Urine testing for drugs 250.00 per drug

Gastric screen 150.00

Tissue screen 175.00

Preparation of Toxicology specimen for shipment for retesting by a private lab 50.00

Specimen storage 25.00 per month

Pre-trial conference at Medical Examiner's Office for non-criminal or out-of-county cases . . 100.00/hour

Pre-trial conference at county of request 250.00/hour**

Deposition at Medical Examiner's Office 150.00/hour

Deposition outside of Medical Examiner's Office 200.00/hour**

Court testimony, toxicologist 250.00/hour**

Court testimony, forensic pathologist 500.00/hour**

Court testimony, medical technologist or investigator 250.00/hour**

* Court travel, and expert fees will be added.

** Travel and accommodation charges will be the responsibility of requesting agency.

All cases brought into the Medical Examiner's Office facility shall be billed for transportation, personnel handling, and storage costs, except for the following categories of cases:

- (1) Decedents under 14 years of age;
- (2) Homicides;
- (3) In custody or police-involved cases;
- (4) Indigents (County disposition);
- (5) Cases in which private charitable funds available to pay funeral costs would thereby be reduced so as to preclude payment;
- (6) Cases specifically exempted by the Medical Examiner or his designee.

(b) Beginning with fiscal year 2003-2004, fees set in this Section may be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller.

No later than April 15th of each year, the Medical Examiner's Office shall submit its current fee schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year.

No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (b) the fees do not produce revenue which is significantly more than the costs of providing the services for which each fee is assessed.

(c) All fees received for documents and services mentioned in this Section shall be deposited with the Treasurer and shall be used to defray the costs incurred by the Medical Examiner in issuing such documents or providing such services. (Amended by Ord. 231-82, App. 5/13/82; Ord. 120-87, App. 4/17/87; Ord. 222-92, App. 7/14/92; Ord. 169-95, App. 5/26/95; Ord. 384-96, App. 10/16/96; Ord. 156-02, File No. 021080, App. 7/12/2002; Ord. 163-04, File No. 040750, App. 7/22/2004; Ord. 177-05, File No. 050984, App. 7/29/2005)

SEC. 8.15. FILING OR POSTING OF DEPARTMENTAL RULES AND REGULATIONS.

Rules and regulations of every department, board or commission shall be posted in a conspicuous place, or available for public inspection, in the principal office of the board, commission or department during normal business hours. Such rules and regulations shall be maintained in said principal offices in a current form. All additions, amendments and deletions to such rules and regulations shall be posted within 10 days of their enactment.

Any violation of the provisions of this Section shall be deemed to be official misconduct by those responsible and shall be punishable as provided in Section 15.104 of the Charter. (Amended by Ord. 195-72, App. 7/7/72; Ord. 260-99, File No. 991365, App. 10/15/99)

SEC. 8.16. FILING OF ANNUAL REPORTS AND OFFICIAL DOCUMENTS WITH SAN FRANCISCO PUBLIC LIBRARY.

It shall be the duty of every official, board, commission or department, who or which publishes an annual report or other official published documents in hard copy, relative to the affairs under his or her or its control or related to his or her or its functions, to file at least two copies thereof with the Documents Department of the San Francisco Public Library within 10 days after publication of each such report or document. For annual reports posted on the City's website in accordance with Administrative Code Section 1.56, or other documents that are posted electronically, but not printed, posting the document and transmitting the Uniform Resource Location (URL) of the document to the Documents Department within 10 days after final approval of the report or other document shall constitute compliance with this paragraph.

Further, it shall be the duty of the secretary or other executive officer of each board, commission or committee thereof, to file with the Documents Department two copies of the agenda of each regularly scheduled meeting of such board, commission or committee thereof, at least 72 hours prior to the time of such meeting. For special meetings of boards, commissions or committees, the agenda shall be filed

with the Documents Department not less than 24 hours prior to the meeting. In addition, such secretary shall file with the Documents Department two copies of the minutes of the action taken at any meeting of such board, commission or committee thereof within 10 days of the date of such meeting. Any corrections, additions or amendments to said minutes shall be filed with the Documents Department within five working days after the date of any such correction, addition or amendment. The Documents Department shall retain such copies of agendas and minutes for a minimum period of 90 days.

The City Librarian shall designate a place in the central public library, accessible to the public, for the posting of agenda filed with the City Library pursuant to this Section. The City Librarian shall cause such agenda to be posted immediately upon receipt.

The reports or documents required to be filed pursuant to the provisions of this Section shall be made available by the Documents Department for reference thereto by the People of the City and County.

Any violation of the provisions of this Section on the part of any elective officer or any member of any board or commission shall be deemed to be official misconduct and any violation of the provisions of this Section on the part of any employee shall be deemed to be inattention to duties and considered cause for suspension or dismissal from service.

The provisions of this Section shall be deemed directory only. Failure to comply with the provisions of this Section shall not provide a basis for invalidating any action taken. (Amended by Ord. 51-87, App. 2/27/87; Ord. 14-03, File No. 021815, App. 1/31/2003)

SEC. 8.17. MAILING OF DOCUMENTS.

Unless otherwise provided in this Section, each City employee, official, department, board or commission shall use interdepartmental mail, electronic mail, fax or in-person delivery by a City staff member, rather than using U.S. mail or private express, messenger or overnight delivery services when sending documents to other City Departments, offices or agencies. This Section shall not apply to documents that are urgent, time-sensitive or confidential, including, but not limited to, personnel

records, legal memoranda, documents relating to subpoenas, court filings or administrative hearings and other attorney-client communications. The responsible City department head or official shall determine for his or her department, board or commission, the types of documents that are urgent, time-sensitive or confidential for purposes of this Section, including the documents specified above. This Section shall not apply to documents sent to or from the Public Defender's Office, the District Attorney's office, the City Attorney's Office, the Hall of Justice, the Police Department, the Courts, the Grand Jury, the Airport, Port, Treasure Island or the offices of City departments or agencies outside of the boundaries of the City and County of San Francisco.

Further, it shall be the duty of the secretary or other executive officer of each board, commission or committee thereof, to update the mailing lists at least once annually for the meetings of their respective board, commission or committee in order to remove addresses of individuals or organizations who are no longer interested in receiving the materials or who are no longer residing or operating at the listed address. (Added by Ord. 61-05, File No. 050136, App. 4/1/2005)

SEC. 8.21. LIBRARY COMMISSION—NOTE CARDS.

The Library Commission is hereby authorized to print and sell note cards depicting books and other works of art in its library collection. The sales price for said note cards shall be established jointly by the Library Commission and the Purchaser of Supplies. Any and all moneys received from the sale of such note cards shall be deposited in the treasury in accordance with Charter provisions. (Added by Ord. 279-65, App. 11/17/65)

SEC. 8.21-1. ESTABLISHMENT OF A LIBRARY PUBLICATION FUND.

(a) **Authority.** The Library Commission is hereby authorized to publish and sell, at no cost to the City and County, periodicals, monographs, pamphlets and books so published relating only to library subjects, San Francisco area subjects and San Francisco Library authorship as approved by the Library Commission.

(b) **Establish Fund.** There shall be established in the treasury of the City and County of San Francisco a special fund to be known and designated as the Library Publication Fund into which shall be deposited all monies received from the sale of any and all periodicals, monographs, pamphlets and books published pursuant to the authority herein contained.

The Library Commission is hereby authorized to accept any gift, devise or bequest for this purpose.

(c) **Use of Money in Publication Fund.** The monies received into the publication fund are hereby appropriated exclusively for the purpose of publishing and selling the items authorized and approved by the Library Commission.

(d) **Administration of an Expenditure from Publication Fund.** The sales price for said items shall be fixed by the Library Commission. Balances not in excess of \$10,000 remaining in the fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein. Monies in excess of \$10,000 shall be transferred to the General Fund.

The Library Commission shall annually submit in writing to the Mayor, to the Controller and to the Board of Supervisors a report showing the total receipts and disbursements of the preceding year together with a description of the items published. (Added by Ord. 73-71, App. 3/25/71, amended by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 8.21-2. LIBRARY FINES AND FEES.

(a) **Fee Schedule.** The Library Commission is hereby authorized to charge fines and fees for the use of library materials and services in accordance with the following schedule:

SAN FRANCISCO PUBLIC LIBRARY FINES & FEES SCHEDULE

OVERDUE FINES By Material	ADULT MATERIALS	DAILY	MAXIMUM
	Books	\$ 0.10	\$ 5.00
	Phonorecords	\$ 0.10	\$ 5.00
	Audiocassettes	\$ 0.10	\$ 5.00
	Books on Tape	\$ 0.10	\$ 5.00
	Compact Discs	\$ 0.10	\$ 5.00
	Magazines	\$ 0.10	\$ 5.00
	Paperbacks (Cataloged)	\$ 0.10	\$ 5.00
	Paperbacks (Uncataloged)	\$ 0.10	\$ 2.00
	JUVENILE MATERIALS		
	Depends on age of borrower (See Overdue Fines "by Patron" below.)		
	SPECIAL MATERIALS	DAILY	MAXIMUM
	Videos and Digital Video Discs (DVDs) (adult/seniors)	\$ 1.00	\$ 5.00
	Videos and DVDs (0 - 17 years)	No fines	No fines
	Sheet Music	\$ 0.10	\$ 5.00
	Orchestral/Music Sets	\$ 0.25	\$ 10.00
	Vertical File Materials	\$ 0.10	\$ 5.00

[Table continues on the page 214B.]

SAN FRANCISCO PUBLIC LIBRARY FINES & FEES SCHEDULE

		DAILY	MAXIMUM	
OVERDUE FINES by Patron	Fines: Adults (18 - 64 years)	\$ 0.10	\$ 5.00	
	Fines: Seniors (over 65)	\$ 0.05	\$ 5.00	
	Fines: Teens (13 - 17 years)	No fines	No fines	
	Fines: Children (0 12 years)	No fines	No fines	
LIBRARY CARD REPLACEMENT	Lost Card: Adult/Seniors	\$ 1.00		
	Lost Card: Youth (0 - 17 years)	\$ 0.50		
PROCESSING FEE (PF)	Processing fee; cataloged materials	\$ 5.00		
Note regarding lost materials: The Library will charge the fair market value (FMV) of lost materials. The FMV shall be determined by the Library staff after consulting with relevant sources, which may include <i>The Bowker Annual: Library and Book Trade Almanac</i> . Where there is a conflict between the standard prices below and the FMV as determined by the Library, the Library shall charge the FMV.				
REPLACEMENT OF LOST MATERIALS	Materials		Per Item	Maximum
	Hardback: Adult/Teen Non-Fiction		\$ 35.00 + PF	\$ 40.00
	Hardback: Adult/Teen Fiction		\$ 25.00 + PF	\$ 30.00
	Hardback: Juvenile Non-Fiction		\$ 20.00 + PF	\$ 25.00
	Hardback: Juvenile Fiction		\$ 15.00 + PF	\$ 20.00
	Paperback: Cataloged	Adult/Teen Non-Fiction	\$ 20.00 + PF	\$ 25.00
		Adult/Teen Fiction	\$ 10.00 + PF	\$ 15.00
		Juvenile Non-Fiction	\$ 10.00 + PF	\$ 15.00
		Juvenile Fiction	\$ 5.00 + PF	\$ 10.00
	Paperback: Uncataloged		\$ 5.00	
	Paperback/Hardback: International Generic Record		Price varies: \$ 5 - \$15 depending on FMV	
Periodicals/Magazines		\$ 5.00		

SAN FRANCISCO PUBLIC LIBRARY FINES & FEES SCHEDULE

REPLACEMENT OF LOST MATERIALS (Cont'd)	Materials		Per Item	Maximum
	Phonorecords		\$ 15.00 + PF	\$ 20.00
	Audiocassettes		\$ 10.00/tape	FMV of set + PF
	Videos and DVDs		\$ 20.00 + PF	\$ 25.00
	Supplementary materials, including booklets, libretti, maps, CDs, etc.		\$ 3.00/item	
	Sheet Music/Scores		FMV as set by Library Art/Music Department	
	Sheet Music/Uncataloged		FMV as set by Library Art/Music Department	
	Audio Books		\$ 5.00 / tape	FMV of set + PF
	Compact Discs		\$ 15.00 + PF	\$ 20.00
	Language Sets		\$ 10.00/item	FMV of set + PF
	Vertical/Picture File		\$ 5/item	
LOST/DAMAGED FEES	Audiocassette case (lost)		\$ 1.00	
	Barcode label		\$ 0.25	
	Barcode & flyleaf		\$ 1.00	
	CD Jewel Case (lost)		\$ 1.00	
	Videocassette case (lost)		\$ 2.00	
SERVICE FEES	Borrowers Cards	San Francisco & California Residents	Free	
		Visitor's Card (non-California)	\$ 10.00	Non refundable 3 months duration
		Firm (business) card	Free	
		Restricted (no proof of residency)	Free	

SAN FRANCISCO PUBLIC LIBRARY FINES & FEES SCHEDULE

SERVICE FEES (Cont'd)	Materials	Per Item	Maximum
	Reserves	Free	
	Inter-Library Loan	Free	
	Returned Check Fee	\$10.00 (current City-wide charge, subject to revision by City)	
	Books-by-mail	\$ 3.00 or cost of shipping and handling, whichever is greater	
DOCUMENT DELIVERY AND SPECIAL SERVICES	Inter-Library Loan; Photocopy	\$ 0.25 / page	
	(maximum: 50 pages/day)		\$ 5.00 rush
	San Francisco History Center: reproduction of photographs (for teaching, scholarship, or research purposes)	\$ 1.00/photo	
	San Francisco History Center: reproduction of photographs	\$ 15.00 + FMV of any additional labor required due to age or condition of photograph	

(b) **Ratification of Prior Fines and Fees.** All fines and fees previously charged for the use of library materials and services are hereby ratified. (Added by Ord. 53-01, File No. 002067, App. 4/6/2001)

SEC. 8.21-3. LIBRARY FEE AMNESTY PROGRAM.

The San Francisco Public Library ("Library") Commission shall be authorized to establish a library fee amnesty program to take place during a two-week period prior to July 1, 2001. The Library Commission, after notice and public hearing, is authorized to waive all fees charged for overdue San Francisco Public Library materials ("late fees") based on a finding that this amnesty program is likely to promote the return of needed Library materials or promote the increased use of the Library. Such amnesty program shall allow persons to return overdue Library materials without having to pay any late fees. However, in order for a person to obtain a waiver of their late fees, such person must return all overdue

materials on their Library account during the two-week amnesty period designated by the Library Commission. The Board of Supervisors, by resolution, may authorize the Library Commission to establish subsequent Library fee amnesty programs under the standards set forth in this section. (Added by Ord. 64-01, File No. 010452, App. 4/27/2001)

SEC. 8.22. REGISTRAR'S FEES.

For the copying, certification, preparation or the borrowing of such records of the Registrar of Voters which citizens have a right by law to inspect and take a copy thereof, shall be paid to the Registrar of Voters, as follows:

- (a) Photocopy of any such record not exceeding the size 8-½ inches by 14 inches (per page) \$.50
- (b) Photocopy of any such record exceeding the size of 8-½ inches by 14 inches (per page) 2.00

- (c) Certifying any such record (per page) . . . 1.00
- (d) Preparing any abstract of such record (this is in addition to certifying or searching) 1.00
- (e) Searching voter registration lists (per year)50
- (f) Precinct book (per copy) at cost
- (g) Index of registered voters (per 1000 names)50
- (h) Electronic data processing tape of the master index of voter registration for use in connection with election (as referred to in Resolution No. 517-67) (borrowing-per reel) 100.00

Such fees received by the Registrar of Voters shall be deposited with the City and County Treasurer, and the Controller shall reimburse the Registrar of Voters for the costs of materials and for the costs of interdepartmental services which must be paid for by the Registrar of Voters in order to perform the services and copy the documents referred to in this Section. (Amended by Ord. 50-70, App. 3/2/70)

SEC. 8.23. POLICE DEPARTMENT FEES.

Notwithstanding the provisions of any other ordinance or resolution relating to application fees payable to secure any permit or license, the Police Commission of the City and County of San Francisco shall from time to time when necessary, with the concurrence of the Controller, fix the fees to be charged by the Police Department when furnishing reproductions of reports, records, documents, data, other material and for the imprinting and processing of fingerprints.

Such fees shall be not less than the cost to the Police Department for the reproducing, processing and furnishing of such reports, records, documents, data, other material and for the imprinting and processing of fingerprints.

There shall be no charge to governmental agencies or other institutions affected with a public interest which in the opinion of the Chief of Police are entitled to such reproductions of reports, records, documents, data, other material and for the imprinting and processing of fingerprints, by reason of policy or reciprocity and for which the Police Department is not required to incur expenses in the reproducing,

furnishing, imprinting or processing of such reports, records, documents, data, other material or fingerprints.

The Police Commission shall have full authority to adopt such rules, regulations and procedures as it deems necessary and properly related to the reproducing, furnishing and processing of said reproductions and shall have full authority to adopt rules, regulations and procedures for the imprinting and processing of fingerprints and the terms and conditions upon which said reproducing and furnishing of reports, records, documents, data, other material and the imprinting and processing of fingerprints shall be accomplished. (Added by Ord. 225-71, App. 9/2/71)

SEC. 8.24. RECORDER'S FEES.

The Recorder is hereby authorized to charge fees for the copying of the microfiche grantor-grantee index as follows:

Photocopy of such grantor-grantee index (per page) \$1.00.

Such fees received by the Recorder shall be deposited with the County Treasurer. The Controller shall reimburse the Recorder for the costs of materials and for the costs of interdepartmental services which must be paid for by the Recorder in order to copy the index referred to in this section. (Added by Ord. 489-76, App. 12/10/76)

SEC. 8.24-1. ESTABLISHMENT OF A RECORDER'S FUND.

(a) The Recorder is hereby authorized to charge an additional one dollar for filing every instrument, paper, or notice for record, as permitted by Subdivision (a) of Section 27361.4 of the Government Code of the State of California.

(b) There shall be established in the treasury of the City and County of San Francisco a special fund to be known as the Document Storage Conversion Fund into which shall be deposited all the additional fees collected by the Recorder under the statutory authority above-referenced. The monies received into this fund are to be used exclusively to defray the cost of converting the Recorder's documents to micrographics, which includes the purchasing of reader/printers and a rapid computer-assisted retrieval system; the hiring of personnel; and the funding for micrographic training expenses, cabinets for storage

and other related supplies, equipment, furniture and moving expenses. The expenditures from said fund shall be in accordance with the budget and fiscal provisions of the Charter. Any balance remaining in the fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said fund for the purpose recited above. Upon completion of the conversion and payment of the costs therefor the additional fees authorized by this section shall no longer be imposed and the fund shall be terminated. (Added by Ord. 13-81, App. 1/7/81; amended by Ord. 420-93, App. 12/29/93)

SEC. 8.24-2. ESTABLISHMENT OF A RECORDER'S MODERNIZATION FUND.

(a) There shall be established in the treasury of the City and County of San Francisco a special fund to be known as the Recorder's Modernization Fund into which shall be deposited those portions of the fees collected by the Recorder that are described in Subsection (b) hereof. The monies received into this fund are to be used exclusively to pay the costs required to support, maintain, improve, and provide for the full operation for modernized creation, retention, and retrieval of information in the Recorder's system of recorded documents. The expenditures from said fund shall be in accordance with the budget and fiscal provisions of the Charter. Any balance remaining in the fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in the fund for the purpose recited above.

(b) There shall be deposited into the Recorder's Modernization Fund the following:

(i) From the fees collected by the Recorder pursuant to the version of California Government Code Section 27361 that was adopted by Section 1 of Chapter 1156 of the Statutes of 1984 (which is operative until January 1, 1990, unless extended as provided therein), there shall be deposited \$1 for each first page and \$1 for each additional page or fraction of a page that is recorded; and

(ii) From the fees collected by the Recorder pursuant to the version of California Government Code Section 27361 3 that was adopted by Section 2 of Chapter 1156 of the Statutes of 1984 (which is

operative until January 1, 1990, unless extended as provided therein), there shall be deposited \$2 for each release of a lien, encumbrance or notice that is recorded. (Added by Ord. 286-87, App. 7/2/87)

SEC. 8.24-3. ADDITIONAL FEE FOR FILING OF PRELIMINARY 20-DAY NOTICES.

(a) In addition to all other fees authorized by law for the recording, filing or indexing of instruments, papers or notices, the Recorder is hereby authorized to charge a fee of \$15 for the filing of a preliminary 20-day notice pursuant to Section 3097, Subdivision (c), Paragraph (1) of the California Civil Code.

(b) The additional \$15 fees that are collected by the Recorder pursuant to Subsection (a) of this Section 8.24-3 are to be used exclusively to defray the cost of implementing and maintaining a system to facilitate compliance with Section 3097, Subdivision (c), Paragraph (2) of the California Civil Code, which requires the mailing of certain notices to persons filing preliminary 20-day notices. (Added by Ord. 316-88, App. 7/17/88)

SEC. 8.24-4. RECORDER'S ACCESS AND INDEXING FEES AND FUND.

(a) In addition to all other fees authorized by law for the recording, filing, or indexing of instruments, papers or notices for record, pursuant to Subdivisions (b) and (c) of Section 27361 4 of the California Government Code, the Recorder is hereby authorized to charge the following additional fees:

(i) A fee of \$1 for the filing of every instrument, paper, or notice for record, provided, however, that the Recorder's Office shall be open every business day except for legal holidays and those holidays designated as judicial holidays pursuant to Section 135 of the California Code of Civil Procedure;

(ii) A fee of \$1 for the filing of every instrument, paper, or notice for record, provided, however, that every instrument, paper or notice charged with the additional fee hereby imposed shall be indexed within two business days after the date of recordation.

(b) There is hereby established in the treasury of the City and County of San Francisco a special fund to be known as the Recorder's Access and Indexing Fund into which shall be deposited all the additional fees

collected pursuant to Subsection (a) of this section. The monies in this fund shall be appropriated solely to defray the costs of maintaining Recorder's office open to the public every business day (with the exception of legal holidays and judicial holidays) and to defray the costs of indexing every instrument, paper, or notice for record within two business days after the date of recordation. Expenditures from the fund shall be in accordance with the budget and fiscal provisions of the Charter. Any balance remaining in the fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said fund for the purposes recited above. (Added by Ord. 420-93, App. 12/29/93)

SEC. 8.24-5. REAL ESTATE FRAUD PROSECUTION RECORDATION FEE.

(a) **Establishment of Fee.** Pursuant to Section 27388 of the California Government Code, there is hereby established a fee of \$2.00 that shall be paid to the Recorder at the time of recording every real estate instrument, paper, or notice required or permitted by law. Such fee shall be collected, administered, and expended in accordance with Section 27388 of the California Government Code. Money collected pursuant to this Section shall be used to fund programs to enhance the capacity of local police and prosecutors to deter, investigate, and prosecute real estate fraud crimes and other purposes hereafter authorized by State law.

(b) **Real Estate Fraud Prosecution Trust Fund Committee.** There is hereby established a Real Estate Fraud Prosecution Trust Fund Committee ("Committee") composed of the District Attorney, City Administrator, and City Attorney, each of whom may appoint an appropriate representative to serve on the committee. The Committee shall review applications and make determinations by majority vote as to the award of funds using the procedures and criteria required by Section 27388 of the California Government Code.

(c) **Annual Review.** The Board of Supervisors shall annually review the effectiveness of the District Attorney in deterring, investigating, and prosecuting

real estate fraud crimes based upon information provided by the District Attorney in an annual report submitted to the Board of Supervisors in accordance with Section 27388(d) of the Government Code.

(d) **Administration of Funds.** Pursuant to Section 27388(g) of the Government Code, no money collected pursuant to this Section shall be expended to offset a reduction in any other source of funds. Funds from the Real Estate Fraud Prosecution Trust Fund shall be used only in connection with criminal investigations or prosecutions involving recorded real estate documents.

(e) Monies in this fund, including all interest earned, shall be deemed provided for specific purposes, as stated in this ordinance, and shall be carried forward at the end of each fiscal year, consistent with the provisions of the City Charter. (Added by Ord. 413-97, App. 10/31/97)

SEC. 8.24-6. SURVEY MONUMENT PRESERVATION FEE.

(a) Pursuant to California Government Code Sections 27584 and 27585, the Assessor-Recorder of the City and County of San Francisco is hereby authorized to collect a ten dollar (\$10.00) user fee over and above any other fees required by law at the time of recording any grant deed subject to a documentary transfer tax for the conveyance of real property within the City and County of San Francisco.

(b) Grant deeds subject to the user fee shall include but not be limited to the following: parcels or lots created by Records of Survey; parcels or lots created by Official Maps; parcels or lots created by government surveys; and, parcels, lots, condominium units, or easements created by metes and bounds, exception, portion, or acreage descriptions, except those metes and bounds descriptions describing an entire lot or lots created by a recorded Parcel Map or Final Map. Grant deeds excluded from payment of the fee shall include the following: trust deeds; deeds conveying easements of oil or mineral rights only; deeds to or from government entities or agencies or officers thereof acting in their official capacities; deeds recorded or recorded solely for the purpose of correcting an error in a previously recorded document; and, deeds which describe the property

conveyed as an entire lot or lots created by a recorded Parcel Map or Final Map. (Added by Ord. 258-05, File No. 051461, App. 11/17/2005)

SEC. 8.25. DESTRUCTION OF CRIMINAL HISTORY RECORDS.

Notwithstanding the provisions of any other ordinance or resolution relating to the copying and retention of records under its control, the Police Commission of the City and County of San Francisco is empowered to destroy criminal history records maintained or in the possession of the San Francisco Police Department in accordance with the current schedule of destruction of criminal history records of the Office of the Attorney General of the State of California.

If there be no current schedule of destruction of criminal history records of the Attorney General, the Police Commission may establish such a schedule which in its good judgment will not adversely affect law enforcement.

The Police Commission shall have full authority to adopt such rules, regulations and procedures as it deems necessary and properly relating to the destruction of criminal history records. (Added by Ord. 63-75, App. 2/26/75)

SEC. 8.26. CIVIL SERVICE COMMISSION INSPECTION AND FINGERPRINT FEES.

Following posting of a tentative list of eligibles, the examination papers of anyone eligible shall be available for inspection for a fee of five dollars, which fee is waived for eligibles who wish to inspect their own papers.

Notwithstanding the provisions of any other ordinance or resolution relating to fees, the Civil Service Commission of the City and County of San Francisco shall from time to time when necessary fix the fees to be charged by the Civil Service Commission when furnishing reproductions of reports, records, documents, data, other material and for the imprinting and processing of fingerprints.

Such fees shall not be less than the cost to the Civil Service Commission for the reproducing, processing and furnishing of such reports, records, documents, data, other material and for the imprinting and processing of fingerprints.

The Civil Service Commission shall have full authority to adopt such rules, regulations and procedures as it deems necessary and properly related to the reproducing, furnishing and processing of said reproductions. It shall have full authority to adopt rules, regulations and procedures for the imprinting and processing of fingerprints and the terms and conditions upon which said reproducing and furnishing of reports, records, documents, data, other material and the imprinting and processing of fingerprints shall be accomplished. (Amended by Ord. 66-79, App. 2/9/79)

SEC. 8.27. SHERIFF'S DEPARTMENT FEES.

Notwithstanding the provisions of any other ordinance or resolution relating to application fees payable to secure any permit or license, the Sheriff of the City and County of San Francisco shall from time to time when necessary, with the concurrence of the Controller and the Board of Supervisors, fix the fees to be charged by the Sheriff's Department for the care and maintenance of prisoners from other jurisdictions; for the furnishing of reproductions of reports, records, documents, data, other materials, and for the imprinting and processing of fingerprints.

Such fees shall be not less than the cost to the Sheriff's Department for the care and maintenance of such prisoners; the reproducing, processing and furnishing of such reports, records, documents, data and other materials; and for the imprinting and processing of fingerprints.

There shall be no charge to governmental agencies or other institutions affected with a public interest and which in the opinion of the Sheriff are entitled to such reproductions of reports, records, documents, data, other material and for the imprinting and processing of fingerprints, by reason of policy or reciprocity and for which the Sheriff's Department is not required to incur expenses in the reproducing, furnishing, imprinting or processing of such reports, records, documents, data, other material or fingerprints.

The Sheriff shall have full authority to adopt such rules, regulations and procedures as he or she deems necessary and properly related to the care and maintenance of prisoners from other jurisdictions and for the reproducing, furnishing and processing of said

reproductions. The Sheriff shall have full authority to adopt rules, regulations and procedures for the imprinting and processing of fingerprints and the terms and conditions. (Amended by Ord. 520-79, App. 10/19/79)

SEC. 8.27-1. BOOKING FEE; SHERIFF AND POLICE DEPARTMENTS.

If the State enacts booking fee legislation and budgets reimbursement funding for local governments, the Sheriff and Police Departments shall implement a booking fee and file for reimbursement from the State of California. If such a fee is implemented, the Controller shall establish a work order authorization between the Sheriff and Police Departments covering the full costs of the activity and revise each department's budget accordingly. (Added by Ord. 201-05, File No. 051139, App. 7/29/2005)

SEC. 8.28. CITY PLANNING FEES.

The Department of City Planning is hereby authorized to charge fees for reproducing records which citizens have a right by law to inspect and copy as follows:

1. Photocopy of any record not exceeding 8-1/2 inches by 14 inches (per page) \$0.10
2. Photocopy of any record exceeding 8-1/2 inches by 14 inches (per page) \$0.10

The Department of City Planning is hereby authorized to sell printed copies of the Master Plan, or any element thereof, and printed copies of other reports produced by the Department. The charges for such printed copies shall be determined by the Department of City Planning, but shall not exceed the cost to the Department for the reproduction of such reports.

There shall be no charge for one copy of the Master Plan and any elements thereof to governmental agencies or to a person who certifies under penalty of perjury that he or she is a duly authorized representative of an organization that is on the Department of City Planning's list of San Francisco neighborhood nonprofit organizations.

The Department of City Planning shall issue written guidelines setting forth the procedure for an organization being included on such list. (Added by Ord. 92-86, App. 3/21/86; amended by Ord. 214-94, App. 6/2/94)

[Section 8.20 beings page 219.]

SEC. 8.29. ESTABLISHMENT OF A MUNICIPAL RAILWAY VIDEO PRODUCTION FUND.

(a) **Authority.** The Public Utilities Commission is hereby authorized to publish and sell, at no cost to the City and County, materials, including but not limited to pamphlets, books and videos relating only to transit-related training.

(b) **Establish Fund.** There shall be established in the treasury of the City and County of San Francisco a special fund to be known and designated as the Municipal Railway Video Production Fund into which shall be deposited all monies received from the sale of any and all materials published pursuant to the authority herein contained.

The Public Utilities Commission is hereby authorized to accept any gift, device or bequest for this purpose.

(c) **Use of Money in Training Fund.** The monies received into the training fund must be appropriated pursuant to the fiscal and budgetary provisions of the Charter exclusively for the purpose of developing, producing and selling transit-related video programs authorized and approved by the Public Utilities Commission.

(d) **Administration and Expenditure from Video Production Fund.** The sales price for said items shall be fixed by the Public Utilities Commission. Balances remaining in the fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein.

The Public Utilities Commission shall annually submit in writing to the Mayor, to the Controller and to the Board of Supervisors a report showing the total receipts and disbursements of the preceding year together with a description of the items published. (Added by Ord. 393-87, App. 9/18/87; amended by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 8.30. ADULT PROBATION DEPARTMENT—PROJECT 20 ADMINISTRATIVE FEE.

(a) The Adult Probation Department is hereby authorized to charge adult offenders an administrative

fee to participate in the community service alternative sentencing program of Project 20, when offenders elect to participate as an alternative to the payment of fines, pursuant to California Vehicle Code Section 40700 (b). Such fee shall be charged to defray the costs of interviewing, placing, monitoring, and reporting the performance of Project 20 participants.

(b) Adult offenders, who elect to perform a specified number of hours of community service through Project 20 of the Adult Probation Department, shall be subject to the payment of an administrative fee to the Adult Probation Department. Such fee shall be determined by the Adult Probation Department to recover costs incurred for the administration of the program and shall be approved by the Board of Supervisors. Such fee shall be at a rate that is no less than \$10 and no more than \$75. Performance of alternative community service work shall not commence until the total fee due is paid in full to the Adult Probation Department.

The Project 20 administrative fee shall be determined according to the following schedule:

Number of Community Service Hours Ordered	Fee Amount
1 to 25	\$ 10.00
26 to 50	20.00
51 to 75	30.00
76 to 100	40.00
101 to 125	50.00
126 to 150	60.00
151 to 175	70.00
176 and up	75.00

(c) **Inter-County Transfer Fee.** An Inter-County Transfer Fee shall be charged at a fixed rate of \$25 to offenders who request or who are referred by a court or a probation department of a jurisdiction outside of the City and County of San Francisco to perform alternative community service within the boundaries of the City and County of San Francisco. The Inter-County Transfer Fee shall also be charged at the same rate for the administrative costs incurred by the Adult Probation Department to process requests for referral of San Francisco residents to perform alternative sentencing community service outside of the City and County of San Francisco.

(d) **Waiver or Adjustment of Fees.** Guidelines to determine the financial ability of offenders to pay the administrative fee shall be established by the Adult Probation Department. Such guidelines shall include, but not be limited to, a review by the Adult Probation Department of documentation sufficient to evaluate the offender's income level. Upon its review, the Adult Probation Department may reduce the rate or waive the administrative fee where it determines that the offender is unable to pay all or a portion of the full fee. Any person 65 years of age or over and who has no source of income other than Social Security Benefits shall not be subject to the payment of the Project 20 administrative fee.

(e) **Deposit of Revenue.** Project 20 administrative fees received by the Adult Probation Department shall be deposited with the City and County Treasurer, and the Controller shall reimburse the Adult Probation Department for the costs of departmental services to perform the functions and operations referred to in this Section. (Added by Ord. 362-88, App. 8/5/88; amended by Ord. 430-88, App. 9/16/88)

SEC. 8.31. ADULT PROBATION DEPARTMENT—RESTITUTION COLLECTION FEE.

(a) The Adult Probation Department is hereby authorized to collect a fee to cover the actual administrative cost of collecting any victim restitution included in an order of the court. The administrative fee shall be paid in addition to the restitution payment and shall be 10 percent of the amount ordered to be paid to the victim. The proceeds of the fee collection shall be deposited in the general fund for appropriation by the Board of Supervisors. (Added by Ord. 222-89, App. 6/22/89)

SEC. 8.31-1. ADULT PROBATION DEPARTMENT—RESTITUTION FINE ADMINISTRATIVE FEE.

(a) The Adult Probation Department is hereby authorized to charge a fee to cover the actual administrative cost of collecting any restitution fine and shall be 10 percent of the amount ordered to be paid, pursuant to Section 13967 of the Government Code. The fee shall be added to the restitution fine

and included in the order of the court. The fee collection proceeds shall be deposited in the general fund and appropriated by the Board of Supervisors. (Added by Ord. 223-89, App. 6/22/89)

SEC. 8.32. SMALL CLAIMS COURT JUDGMENT DEBTOR FEE.

In accordance with the provisions of Section 117.9 (c)(2) of the California Code of Civil Procedure, the Clerk of the Municipal Court of the City and County of San Francisco is hereby authorized and directed to collect the sum of \$25 from each judgment debtor who pays the judgment of a small claims court to the court in which the judgment was entered rather than to the judgment creditor directly. (Added by Ord. 27-90, App. 1/24/90)

SEC. 8.33.1. COUNTY CLERK'S FEES.

(a) Pursuant to Government Code Sections 54985 through 54987 and 26831 and Business and Professions Code Section 22352, the County Clerk is hereby authorized to charge fees to defray the actual cost of issuance of the following documents and the provision of the following services, notwithstanding the fees otherwise set or limited by State law. Any persons requesting the following documents or services shall pay the following fees:

Public marriage license (county clerk's portion of license fee only; additional statutory surcharges apply)	\$ 50.00
Confidential marriage license (county clerk's portion of license fee only; additional statutory surcharges apply)	50.00
Filing of Declaration of Domestic Partnership	40.00
Filing of Amendment to Declaration of Domestic Partnership	40.00
Duplicate copy of marriage license	16.00
Amendment to marriage license	20.00
Souvenir marriage certificate with seal	5.00
Performance of marriage/domestic partnership ceremony in City Hall	
During regular business hours	60.00
On weekends or holidays	100.00

Issuance of authority to perform ceremony and oath	\$ 100.00
Filing fictitious business name statement	37.00
Additional name or registrant on same statement	9.00
Filing affidavit of publication	6.00
Withdrawing partner or abandoning fictitious business statement	30.00
Administration of oath and filing notary public bond (does not include additional state fees for recording)	30.00
Surrender of notary journal	12.00
Filing, revoking, canceling or withdrawing power of attorney (surety insurer)	27.00
Additional name	7.00
Process server identification card	10.00
Processing of fingerprint cards (not including State Department of Justice fee)	10.00
Verification of public official/notary public authentication	10.00
Search of County Clerk's files	7.50
Copies of records on file	
(per page, pages 1 through 3)	4.50
(each additional page)	0.10
Certifying/endorsing documents or copies of documents	1.50
Fictitious business name or marriage license index records	
Records for one day	9.50
Records for one week	9.50
Records for two weeks	20.00
Records for one month	20.00
Diskette	1.00
New client fee	15.00
Delivery handling fee	10.00
Environmental impact report, administration fee	30.00
Notary Services	
Acknowledgment	10.00
Jurat	10.00

Such fees received by the County Clerk shall be deposited with the City and County Treasurer. Portions of the fees for marriage licenses shall be disbursed in accordance with Government Code Sections 26840, 26840.1, 26840.3, 26840.7, and 26840.8 and San Francisco Administrative Code Section 10.117-21.

(b) Beginning with fiscal year 2003-2004, fees set in this Section shall be adjusted each year, without further action by the Board of Supervisors, to reflect changes in the relevant Consumer Price Index, as determined by the Controller. Except, fees charged for notary services provided by the County Clerk shall be adjusted, without further action of the Board of Supervisors, to reflect changes in Government Code Section 8211, or any subsequent amendment of that section.

No later than April 15th of each year, the County Clerk shall submit its current fee schedule to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year.

No later than May 15th of each year, the Controller shall file a report with the Board of Supervisors reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the costs of providing the services for which each fee is assessed, and (b) the fees do not produce revenue which is significantly more than the costs of providing the services for which each fee is assessed. (Added by Ord. 323-98, App. 10/30/98; amended by Ord. 155-02, File No. 021079, App. 7/12/2002; Ord. 83-04, File No. 040102, App. 5/20/2004; Ord. 227-04, File No. 040505, App. 9/23/2004)

SEC. 8.33.2. COUNTY ASSESSOR-RECORDER'S FEES.

Pursuant to Government Code Sections 54985 through 54987 and 27366, the County Assessor-Recorder is hereby authorized to charge fees to defray the actual cost of issuance of the following documents and the provision of the following services, notwithstanding the fees otherwise set or limited by State law. Any persons requesting the following documents or services shall pay the following fees:

Duplicates of recorded maps	
(first page)	\$ 5.00
(each additional page)	3.00
Copies of records on file	
(per page, pages 1 through 3)	3.00
(each additional page)	0.50
Certifying/conforming copies of documents	1.00
Microfilm of daily film of recordings	25.00
(per roll)	
Microfiche (per frame)	2.00
Notary Services	
Acknowledgment	10.00
Jurat	10.00

(b) Such fees received by the Assessor-Recorder shall be deposited with the City and County Treasurer. Fees charged for notary services provided by the Assessor-Recorder shall be adjusted, without further action of the Board of Supervisors, to reflect changes in Government Code Section 8211, or any subsequent amendment of that section. (Added by Ord. 323-98, App. 10/30/98; amended by Ord. 227-04, File No. 040505, App. 9/23/2004)

SEC. 8.34. TAX COLLECTOR FEES.

The Tax Collector is hereby authorized and directed to advertise the sale of tax-defaulted real estate and all specific parcels intended for tax-default sale by preparing lists which include all parcels included in the tax sale and the specific information for each parcel that is required to be disclosed by State law and mailing those lists to interested persons upon their specific request. The Tax Collector is hereby authorized to charge and collect a fee of \$20 for each list of tax-defaulted real estate parcels mailed to interested persons in advance of the date when the notice of sale is published in a newspaper of general circulation. This fee represents the reasonable cost of preparing and mailing the list to interested prospective bidders. (Added by Ord. 163-92, App. 6/10/92)

SEC. 8.34.1. TAX BILLING— ADMINISTRATIVE FEES.

(a) **Application for Separate Valuation.** Pursuant to Section 2821 of the California Revenue and Taxation Code, a fee of \$50 shall be collected by the Tax Collector at the time any person applies to the Tax Collector to have any parcel separately valued on the current roll for the purpose of paying taxes. The fee shall be for the actual costs incurred by the Tax Collector for the processing of an application for separate assessment, and the initial ongoing costs of separate assessment, billings, and mailings. The fee may be billed separately or prior to initial separate tax bills, or both, or collected on subsequent tax bills, and shall be deposited in the General Fund.

(b) **Delinquent Property Taxes—Installment Payments.** Pursuant to Section 4217 of the California Revenue and Taxation Code, persons that request to pay delinquent property taxes in installments shall be subject to a processing fee of \$20. The fee shall be paid to the Tax Collector and may be collected on the tax bill.

(c) **Preparation and Provision of Documents.** Pursuant to Section 162 of the California Revenue and Taxation Code, the Tax Collector shall charge and collect a fee of \$1.00 for preparing each of the following documents:

- (1) A certified copy of a redemption certificate;
- (2) A certified copy of an installment redemption receipt;
- (3) A certificate of payment showing taxes paid;
- (4) A certified copy of an assessment as entered on the assessment role

The fee for providing a copy of any of these records or documents by photographic process shall be the actual cost thereof plus the sum of \$1.00. The fee shall be placed in the General Fund.

(d) **Notary Fees.** Any person requesting notary service shall pay the following fees.

Notary Services	
Acknowledgment	\$ 10.00
Jurat	10.00

(e) Notary fees received by the Tax Collector shall be deposited with the City and County Treasurer. Fees charged for notary services provided by the Tax Collector shall be adjusted, without further action of the Board of Supervisors, to reflect changes in Government Code Section 8211, or any subsequent amendment of that section. (Added by Ord. 307-96, App. 7/25/96; amended by Ord. 227-04, File No. 040505, App. 9/23/2004)

**SEC. 8.36. JUVENILE PROBATION
DEPARTMENT—RESTITUTION
COLLECTION FEE.**

The Juvenile Probation Department is hereby authorized to collect a fee to cover the actual administrative cost of collecting any victim restitution fine included in an order of the court pursuant to Welfare and Institutions Code Section 730.6. The administrative fee shall not exceed 10 percent of the restitution amount ordered to be paid. The administrative fee shall be added to the restitution fine and included in the court order. Any administrative fees so collected shall be deposited in the general fund and shall be used to defray the costs incurred by the Juvenile Probation Department in collecting such restitution. (Added by Ord. 302-92, App. 9/25/92)

**SEC. 8.36-1. JUVENILE PROBATION
DEPARTMENT—STEPPARENT ADOPTIONS.**

(a) The Juvenile Probation Department is hereby authorized to charge fees to defray the actual costs including investigation costs, of stepparent adoptions, pursuant to Civil Code Section 227.30. Maximum charge shall not exceed \$200 per adoption and the Department may waive, reduce, or defer the fee when payment would cause economic hardship to the prospective parent which would be detrimental to the adoptive child's welfare.

(b) All fees received by the Juvenile Probation Department in payment for stepparent adoptions shall be deposited in the general fund and shall be used by the Department in providing such services. (Added by Ord. 302-92, App. 9/25/92)

[Section 8.37 begins on page 223.]

SEC. 8.37. CLERK OF THE BOARD OF SUPERVISORS—FEES.

(a) The Clerk of the Board of Supervisors is hereby authorized to charge and collect fees to defray the cost of the issuance of the following specific documents and the providing of the following services and any persons requesting such documents or services shall pay the following fee:

Item	Unit	Fee Rate
Certification of document	Per document	\$ 1.75
Copies of Audio Tape Recordings	Per tape	1.00
Photocopies of pages		
For documents routinely produced in multiple copies (such as agendas and related materials), plus postage if mailed	Per page	.01
For documents produced on a one-time basis, plus postage if mailed	Per page	.10

(b) The Clerk of the Board is further authorized, in his or her best discretion, to waive, partially or wholly, any of the fees authorized by this Section when exigent circumstances arise, such as, but not limited to, the need to work cooperatively with other governmental agencies, or the inability of the requesting person to pay for the requested service.

(c) Each of the fees listed above shall be adjusted annually to reflect changes in the Consumer Price Index, as determined by the Controller, and shall be rounded to the nearest whole dollar. (Added by Ord. 52-93, App. 2/25/93; amended by Ord. 29-04, File No. 032026, App. 3/2/2004)

SEC. 8.38. ADULT PROBATION BOOKING FEE.

(a) Subject to the conditions and limitations of Section 29550.3 of the Government Code, the City and County of San Francisco elects to establish and collect an administrative fee pursuant to the standards and procedures set forth in Section

29550.1 of the Government Code to be collected from persons arrested, convicted, and subsequently placed on probation. This fee shall be established by the Controller in consultation with the Sheriff's Department, and shall be collected by the Adult Probation Department.

(b) The fee authorized by Subsection (a) shall reflect but not exceed the actual administrative costs, including applicable overhead costs, incurred in processing arrested persons. The fee shall be set initially at \$125. The Controller shall, not later than January 1st of each year, reexamine and if necessary, adjust the fee to ensure that it continues to reflect the costs of the services provided, except that the fee shall in no event exceed \$150. Proceeds received from collection of the fee shall be deposited in the General Fund.

(c) At the time the court grants probation, the Adult Probation Department shall request that the defendant be ordered to pay the fee authorized by Subsection (a). However, a defendant shall not be required to pay the fee if the court determines, based upon the following criteria, that the defendant lacks the ability to pay. A defendant's ability to pay shall mean his or her overall capability to pay the fee authorized by Subsection (a). Evaluation of a defendant's ability to pay shall include, but shall not be limited to, the individual's:

- (1) Present financial position;
- (2) Reasonably discernible future financial position. In no event shall the court consider a period of more than six months from the date that probation is granted for purposes of determining reasonably discernible future financial position;
- (3) Likelihood that the defendant shall be able to obtain employment within six months from the date probation is granted;
- (4) Any other factor or factors that may bear upon the defendant's financial capability to reimburse the County for the costs. (Added by Ord. 237-95, App. 7/7/95)

SEC. 8.39. REGIONAL TRANSIT DISCOUNT IDENTIFICATION CARD FEES.

The Public Transportation Department is hereby authorized to charge fees to defray the actual cost of

processing and issuing Regional Transit Discount Identification Cards. Any persons requesting such cards shall pay the following fees:

New Cards	\$ 3.00
Renewed Cards	3.00
Lost Cards	5.00

All fees received for such cards shall be deposited with the Treasurer and shall be used to defray the costs incurred by the Public Transportation Department or its contractors in processing and issuing such cards. (Added by Ord. 65-98, App. 2/26/98)

SEC. 8.40. DEPARTMENT OF PUBLIC WORKS ("DPW") GEOGRAPHIC INFORMATION SYSTEM ("GIS") DATA LICENSE AGREEMENTS; RATIFICATION OF PRIOR FEES.

All fees previously collected by the City under GIS data license agreements entered into since July 1, 1998 and before the effective date of this Section are hereby ratified. (Added by Ord. 111-01, File No. 010105, App. 5/25/2001)

SEC. 8.41. CONTROLLER'S FEES.

(a) **Property Tax Certificate.** The Controller may collect a fee of \$40.00 for issuing a property tax certificate under California Government Code Section 66492 or its successor.

(i) **W-2 Replacement.** The Controller may collect a fee of \$20.00 for issuing a replacement W-2 form. (Added by Ord. 188-03, File No. 030982, App. 7/25/2003)

CHAPTER 9A: FARMERS' MARKET

CHAPTER 9A: FARMERS' MARKET

- Sec. 9A.1. Establishment Authorized; Approved Sales.
- Sec. 9A.2. Finances for Maintenance and Operation.
- Sec. 9A.3. Location.
- Sec. 9A.4. Administration.
- Sec. 9A.5. Advisory Committee.
- Sec. 9A.6. Inspection of Products; Compliance with Applicable Laws.
- Sec. 9A.7. Fees.
- Sec. 9A.8. Distribution of Surplus Commodities to Needy Persons.
- Sec. 9A.9. Rules and Regulations.
- Sec. 9A.10. Persons Who May Sell at Market; Commission; Resales.
- Sec. 9A.11. Observance of Regulations; Products to be Kept Sanitary.
- Sec. 9A.12. Hours of Operation.
- Sec. 9A.13. Designation of Persons Authorized to Enter Premises.
- Sec. 9A.14. Permission to Sell—Required; Scope.
- Sec. 9A.15. Same—Terms and Conditions.
- Sec. 9A.16. Same—Effect of Suspension or Revocation.
- Sec. 9A.17. Appeals.
- Sec. 9A.18. Unlawful Entry Upon Premises.
- Sec. 9A.19. Violation of Section 9A.14 of this Code.

SEC. 9A.1. ESTABLISHMENT AUTHORIZED; APPROVED SALES.

The Agricultural Commissioner is hereby authorized to establish, maintain and direct in the City and County one or more farmers' markets for the sale of food, agricultural and horticultural products, fresh and dried, and for the sale of fish by the growers, producers or fishers thereof in the State.

(a) The sale of fish shall be limited to the sale of whole fish or fish filleted on the premises with properly sanitized utensils. All fish shall be stored at a temperature of 45° Fahrenheit or lower. All fish shall be sold from self-contained vehicles. There shall be proper waste disposal of any unsold fish and all fish cuttings, trimmings, wrappings and containers. (Amended by Ord. 408-83, App. 8/4/83; Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.2. FINANCES FOR MAINTENANCE AND OPERATION.

Maintenance and operation of each market established under the provisions of this Chapter shall be financed by fees charged to producers who utilize the facilities of the market and by such other funds as may be appropriated therefor in accordance with the budgetary procedure of the Charter. (Ord. No. 4719 (1939), Sec. 1; amended by Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.3. LOCATION.

A market established under the provisions of this Chapter may be located at any suitable site selected by the Agricultural Commissioner and owned or leased by the City and County. (Ord. No. 3758 (1939), Sec. 2; amended by Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.4. ADMINISTRATION.

The Agricultural Commissioner shall administer the operation of each market established under the provisions of this Chapter. (Ord. No. 3758 (1939), Sec. 3; amended by Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.5. ADVISORY COMMITTEE.

For each market established under the provisions of this Chapter, the Agricultural Commissioner shall appoint a committee consisting of at least 3 persons with valid permission to sell at the market. Each committee member shall hold office only at the pleasure of the Agricultural Commissioner. Each committee shall advise the Agricultural Commissioner as to the general policies under which that committee's market shall be conducted and generally as to the character and nature of the products to be sold therein. The Agricultural Commissioner shall investigate all recommendations made by each committee and, if he or she deems them proper, shall implement said recommendations. (Amended by Ord. 408-83, App. 8/4/83; Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.6. INSPECTION OF PRODUCTS; COMPLIANCE WITH APPLICABLE LAWS.

Each market and all products sold or disposed of or offered for sale in a market shall be subject to inspection under and shall comply with and be subject to all local ordinances and regulations and all State laws governing the marketing of such products or governing the inspection, quality, standardization, weights, measures, quarantine, sanitation, marketing and sale of such products offered for sale by private individuals, firms and corporations. (Ord. No. 3758 (1939), Sec. 5; amended by Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.7. FEES.

Fees currently estimated sufficient to pay the operating and maintenance costs of each market and within a reasonable time to liquidate all capital expenditures made thereof, recommended by the Agricultural Commissioner, shall be charged to the sellers at each market, effective July 1, 2004, as follows:

(a) Certified Producers

Daily stall fee:
 Summer (June 1 through November 30) \$50.00
 Winter (December 1 through May 31) \$40.00

(b) Non-Certified Producers

Daily stall fee:

Summer (June 1 through November 30) \$60.00
 Winter (December 1 through May 31) \$50.00

(Amended by Ord. 105-82, App. 3/5/82; Ord. 404-91, App. 12/5/91; Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99; Ord. 190-04, File No. 040767, App. 7/22/2004)

SEC. 9A.8. DISTRIBUTION OF SURPLUS COMMODITIES TO NEEDY PERSONS.

Whenever there exists a surplus of farm commodities available for distribution to needy persons and families in the City and County, the Agricultural Commissioner may authorize the allocation of space at any market for distribution of such surplus to needy persons and families; provided:

(a) That such distribution will not interfere with the normal operations of the market;

(b) That the distribution shall entail no expense to the City and County other than use of space at the market;

(c) That such distribution shall be for a limited period, in no case to exceed 90 days in any one calendar year.

(d) That recipients of the surplus commodities are certified as needy and eligible for receipt of the commodities by the Welfare Department of the City and County; and

(e) That the commodities are distributed free without any charges whatsoever to recipients.

No market or other fees shall be charged in connection with distribution of surplus commodities as provided in this Section (Ord. No. 5927 (1939), Sec. 1; amended by Ord. 278-96, App. 7/3/96, Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.9. RULES AND REGULATIONS.

For each market established under the provisions of this Chapter, the Agricultural Commissioner is hereby authorized to make such rules and regulations as he or she shall deem proper for the conduct of the market and for the maintenance of sanitary conditions therein and for the identification of persons offering products for sale in the market, which rules shall not

be in conflict with the provisions of this Chapter but shall be in furtherance thereof. Such rules shall be posted in a conspicuous place in the market and when so posted shall be deemed to be promulgated by the Agricultural Commissioner and shall thereafter have the same force and effect as though included in this Chapter. (Ord. No. 3758 (1939), Sec. 7; amended by Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.10. PERSONS WHO MAY SELL AT MARKET; COMMISSION; REALES.

Farm products may be sold or offered for sale at a market only by the grower, producer or fisher thereof or by members of his or her immediate family or by salespeople. No commission shall be paid by the growers or received by other persons involved in the transactions occurring at a market, except such fees as are paid at the market for the privilege of selling the products there. There shall be no resales made at a market. (Amended by Ord. 408-83, App. 8/4/83; Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.11. OBSERVANCE OF REGULATIONS; PRODUCTS TO BE KEPT SANITARY.

All federal and State laws and regulations, as well as all local ordinances and regulations, applicable to each market and the products offered for sale therein shall be complied with by sellers at the market, and growers, producers or fishers utilizing the facilities of the market shall keep the premises used by them in a clean and sanitary condition and shall remove all fruit, vegetable and fish cuttings, trimmings, wrappings and containers at the close of each day. (Amended by Ord. 408-83, App. 8/4/83; Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.12. HOURS OF OPERATION.

The days and hours during which each market shall operate shall be fixed by the rules and regulations adopted and promulgated by the Agricultural Commissioner. (Ord. No. 3758 (1939), Sec. 10; amended by Ord. 64-96, App. 2/9/96; Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.13. DESIGNATION OF PERSONS AUTHORIZED TO ENTER PREMISES.

All persons are hereby prohibited from entering or remaining on any market premises unless any such person is a person entering or remaining on the market premises with the consent of a duly authorized representative of the Agricultural Commissioner; a person making use of the market facilities with valid permission from a duly authorized representative of the Agricultural Commissioner; an actual or prospective customer; or a person accompanying any such actual or prospective customer. (Ord. No. 8649 (1939), Sec. 1; amended by Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.14. PERMISSION TO SELL—REQUIRED; SCOPE.

No person shall sell, keep for sale or offer to sell market or farm produce, edible merchandise, or any other merchandise or product at any market established under the provisions of this Chapter except upon receipt of permission to sell at the market from the Agricultural Commissioner or his or her duly authorized representative. No person with valid permission to sell at a market nor any of his or her agents or employees shall bring onto the market premises, keep in his or her possession, offer to sell or sell any market or farm produce or any edible merchandise which has not been produced on land owned or possessed by, or, in the case of fish, caught or bred by the person. Persons with valid permission to sell at a market may bring onto the market premises, keep in their possession, offer to sell or sell only such market or farm produce and edible merchandise which has been produced on land owned or possessed by, or, in the case of fish, caught or bred by the person. Whenever a person with valid permission to sell at a market violates the provisions of this Section, the Agricultural Commissioner may immediately suspend the person's permission to sell at the market premises for a period of no less than 30 days and no more than 90 days thereafter, as in the discretion of the Agricultural Commissioner shall seem proper. (Amended by Ord. 408-83, App. 8/4/83; amended by Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.15. SAME—TERMS AND CONDITIONS.

Permission to sell at a market shall be offered only upon the following terms and conditions:

(a) The proper completion and filing of an application;

(b) Compliance with all federal, State and local laws relating to the operation, use and enjoyment of the facilities or the market premises;

(c) Compliance with all rules and regulations of the Agricultural Commissioner regarding use of the market facilities. (Amended by Ord. 408-83, App. 8/4/83; Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.16. SAME—EFFECT OF SUSPENSION OR REVOCATION.

A person whose permission to sell at a market has been suspended shall be ineligible to apply for new permission during the period of his or her suspension. Any person whose permission to sell at a market has been revoked shall be ineligible to apply for new permission for a period of two years following such revocation unless sooner allowed to qualify by the Agricultural Commissioner. Any person whose permission to sell at a market has been suspended more than twice in an 18-month period may, upon the occasion giving grounds for a third suspension, have such permission indefinitely suspended or revoked in the discretion of the Agricultural Commissioner. (Ord. No. 8649 (1939), Sec. 1; amended by Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.17. APPEALS.

Any applicant denied permission to sell at a market or any person whose permission to sell at a market has been suspended or revoked by the Agricultural Commissioner may immediately file an appeal in writing with the Director of Administrative Services. The Director of Administrative Services shall set a time for hearing the appeal which shall be within seven days of the date of filing thereof. The appellant shall be notified of the time and place of the hearing in advance thereof and shall be entitled to appear at the hearing and be heard. After such hearing the Director of Administrative Services may concur in the action of the Agricultural Commissioner,

or he or she may overrule the Agricultural Commissioner and order that the permission be immediately granted or restored. The Director of Administrative Services shall appoint an officer to act on such appeals in his or her absence who shall have the same powers with respect thereto as are herein granted the Director of Administrative Services. (Ord. No. 8649 (1939), Sec. 1; amended by Ord. 278-96, App. 7/3/96; Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.18. UNLAWFUL ENTRY UPON PREMISES.

Any person entering any market premises in violation of Section 9A.13 of this Code and any person remaining on any market premises after being ordered to leave by any duly authorized representative of the Agricultural Commissioner are hereby declared to be trespassers and guilty of a misdemeanor and upon arrest and conviction shall be punished by not more than a \$50 fine or by imprisonment in the County Jail for not more than 10 days, or by both such fine and imprisonment. (Ord. No. 8649 (1939), Sec. 1; amended by Ord. 276-99, File No. 991545, App. 10/29/99)

SEC. 9A.19. VIOLATION OF SECTION 9A.14 OF THIS CODE.

Any person who either personally or through his or her agents or employees violates Section 9A.14 of this Code shall be guilty of a misdemeanor and upon arrest and conviction shall be punished by a fine of not more than \$500 or by imprisonment in the County Jail for not more than 30 days, or by both such fine and imprisonment. (Ord. No. 8649 (1939), Sec. 1; amended by Ord. 276-99, File No. 991545, App. 10/29/99)

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of this Code shall be guilty of a misdemeanor and upon arrest and conviction shall be punished by a fine of not more than \$500 or by imprisonment in the County Jail for not more than 30 days, or by both such fine and imprisonment. (Ord. No. 8649 (1939), Sec. 1)

CHAPTER 9B: FLEA MARKET

CHAPTER 9B: FLEA MARKET

- Sec. 9B.1. Establishment Authorized; Approved Sales.
- Sec. 9B.2. How Known; Finances for Maintenance and Operation.
- Sec. 9B.3. Location.
- Sec. 9B.4. Administration.
- Sec. 9B.5. Fees.
- Sec. 9B.6. Rules and Regulations.
- Sec. 9B.7. Permission to Sell.
- Sec. 9B.8. Expulsion.
- Sec. 9B.9. Appeals.

SEC. 9B.1. ESTABLISHMENT AUTHORIZED; APPROVED SALES.

The Agricultural Commissioner is hereby authorized to establish, maintain and direct in the City and County a Flea Market for the sale of collectibles, antiques, and other goods by the owners thereof. (Added by Ord. 287-98, App. 9/18/98; amended by Ord. 277-99, File No. 991546, App. 10/29/99)

SEC. 9B.2. HOW KNOWN; FINANCES FOR MAINTENANCE AND OPERATION.

The Market created under the provisions of the preceding Section shall be known as the Flea Market. Its maintenance and operation shall be financed by fees charged to vendors who utilize the facilities of the Market and by such other funds as may be appropriated therefor in accordance with the budgetary procedure of the Charter. (Added by Ord. 287-98, App. 9/18/98)

SEC. 9B.3. LOCATION.

The Flea Market shall be located at 100 Alemany Boulevard. (Added by Ord. 287-98, App. 9/18/98)

SEC. 9B.4. ADMINISTRATION.

The Agricultural Commissioner shall administer the operation of the Market. (Added by Ord. 287-98, App. 9/18/98; amended by Ord. 277-99, File No. 991546, App. 10/29/99)

SEC. 9B.5. FEES.

Each vendor shall pay a daily fee of \$45 per stall for each day on which he or she sells. A vendor who pays in advance for an entire month shall receive a 10 percent discount on the total charge for that month. (Added by Ord. 287-98, App. 9/18/98; amended by Ord. 277-99, File No. 991546, App. 10/29/99; Ord. 131-03, File No. 030625, App. 5/30/2003)

SEC. 9B.6. RULES AND REGULATIONS.

The Agricultural Commissioner is hereby authorized to make such rules and regulations as he or she shall deem necessary and proper for admission to the Market, assignment of stall space at the Market, expulsion from the Market, maintenance of sanitary conditions at the Market, and safe and orderly conduct of the Market, which rules shall not be in conflict with the provisions of this Chapter but shall be in furtherance thereof. Such rules shall be posted in a conspicuous place or places in the Market. (Added by Ord. 287-98, App. 9/18/98; amended by Ord. 277-99, File No. 991546, App. 10/29/99)

SEC. 9B.7. PERMISSION TO SELL.

Every person has the right to apply for the privilege to sell at the Market provided that he or she meets the following terms and conditions:

(a) Files and completes an application, which may include a hold harmless agreement and an agreement to abide by the Market rules and regulations;

(b) Agrees to comply with the requirements of all ordinances relating to the operation, use and enjoyment of the facilities or the Market premises;

(c) Agrees to comply with all rules and regulations of the Agricultural Commissioner regarding use of the Market facilities. (Added by Ord. 287-98, App. 9/18/98; amended by Ord. 277-99, File No. 991546, App. 10/29/99)

SEC. 9B.8. EXPULSION.

The Agricultural Commissioner or his or her duly authorized representative may expel a vendor from the Market for up to 18 months for violating any provision of this Chapter or any rule or regulation promulgated under the authority of this Chapter. The expulsion must be in writing and must provide the grounds for the expulsion and inform the affected party of the appeal process allowed in Section 9B.9 of this Code. A vendor who has been expelled from the Market shall be ineligible to apply for permission to sell at the Market for the duration of the expulsion. Any vendor who has been expelled from the Market more than twice in a five-year period may, upon the occasion giving grounds for a third expulsion, be indefinitely expelled from the Market. (Added by Ord. 287-98, App. 9/18/98; amended by Ord. 277-99, File No. 991546, App. 10/29/99)

SEC. 9B.9. APPEALS.

Within 10 days of the date of the written decree of expulsion, any vendor expelled from the Market for any period of time may file an appeal in writing with the Director of Administrative Services. The Director of Administrative Services shall set a time for hearing the appeal which shall be within 30 days of the date of filing thereof and the Director of Administrative Services or his or her designee shall conduct the hearing. The vendor shall be notified of the time and place of the hearing in advance thereof and shall be entitled to appear at the hearing and be heard. After such hearing, the Director of Administrative Services may by written order and findings concur in, modify or overrule the expulsion. The timely filing of an appeal shall stay the expulsion until the conclusion of the appeal. (Added by Ord. 287-98, App. 9/18/98)

**CHAPTER 10: FINANCE, TAXATION, AND
OTHER FISCAL MATTERS**

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SEC. 10.01. EFFECT OF APPROPRIATION ORDINANCE.

Subject to the restrictions of Section 10.05, the several amounts of estimated revenue and proposed expenditures contained in the annual appropriation ordinance as adopted by the Board of Supervisors shall be and become appropriated for the ensuing fiscal year to and for the several departments, bureaus, offices, utilities, boards or commissions, and for the purposes specified, and each department for which an expenditure appropriation has been made shall be authorized to use the money so appropriated for the purposes specified in the appropriation ordinance, and within the limits of the appropriation. The appropriation ordinance shall constitute the authority for the Controller to set up the required revenue and expenditure accounts. Appropriation items for bond interest, bond redemption, fixed charges and other purposes not appropriated to a specific department shall be subject to the administration of and expenditure by the Controller for the respective purposes for which such appropriations are made. (Added by Ord. 277-96, App. 7/3/96)

SEC. 10.02. CASH RESERVE FUND AND SUPPLEMENTAL APPROPRIATIONS.

Unused and unencumbered appropriations or unencumbered balances existing at the close of any fiscal year in revenue or expense appropriations of the City and County for any such fiscal year, including such balances in revenue and expense appropriations provided under the provisions of Section 16.106 of the Charter for libraries, parks and squares, playgrounds and civil services in any such fiscal year, but exclusive of revenue or money required by law to be held in school, bond, bond interest, bond redemption, pension, trust, utility or other specific funds, or to be devoted exclusively to specified purposes other than annual appropriations, and together with revenues collected or accruing from any source during any such fiscal year, in excess of the estimated revenue from such source as shown by the annual budget and the appropriation ordinance for such fiscal year, shall be transferred by the Controller, at the closing of such fiscal year, to a "cash reserve fund" which is hereby created and which may be used only in the manner authorized by Section 10.08; provided, however, that when the balance in said cash reserve fund shall equal

10 per centum of the current or the last preceding tax levy no such transfer shall be made by the Controller except on the recommendation of said Controller, the approval of the Mayor and the authorization of the Board of Supervisors, by majority vote.

Such unused and unencumbered appropriations, balance and revenue collections in excess of revenue estimates, as hereinbefore in this Section defined, when not transferred to the cash reserve fund as hereinbefore in this Section required or authorized, shall be held as surplus.

Such surplus shall be taken in to account as revenue of the ensuing fiscal year; provided, however, that any such surplus created or existing in any fiscal year may be appropriated by the Board of Supervisors by means of an ordinance designated as a supplemental appropriation ordinance, in the same manner and subject to the same conditions, except time, as provided in the Charter for the submission and approval of the annual budget and the appropriation ordinance.

No ordinance or resolution for the expenditure of money, except the annual appropriation ordinance, shall be passed by the Board of Supervisors unless the Controller first certifies to such Board that there is a sufficient unencumbered balance in a fund that may legally be used for such proposed expenditure, and that, in the judgment of the Controller, revenues as anticipated in the appropriation ordinance for such fiscal year and properly applicable to meet such proposed expenditure will be available in the treasury in sufficient amount to meet the same as it becomes due. (Added by Ord. 277-96, App. 7/3/96)

SEC. 10.03. EMERGENCY RESERVE FUND.

An emergency reserve fund is hereby created, for the purposes of meeting any emergency as defined in Sections 2.107 or 3.100 of the Charter. Appropriations from such emergency reserve fund shall be made only on the recommendation of the department head concerned and the recommendation of the Mayor to the Board of Supervisors that such appropriation be made, and the vote of 3/4 of the Board of Supervisors.

The balance in said emergency reserve fund at the end of any fiscal year shall be maintained and carried forward in said fund (Added by Ord. 277-96, App. 7/3/96; amended by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.04. ANNUAL SALARY ORDINANCE.

The number and rates of compensation for all positions continued or created by the Supervisors in adopting each annual budget, and each annual or supplemental appropriation ordinance, shall be established and enumerated in an ordinance continuing and creating positions in City and County departments and offices, and providing the rates of compensation therefor, which ordinance shall be passed or amended at the same time as the annual or supplemental appropriation ordinance is passed. The number of positions enumerated therein shall be segregated by classes according to the civil service classification of employment and the positions in any department or office under any such class shall not be listed individually or subdivided, except where necessary to show varying rates of pay for employments included in any such class. Rates of compensation enumerated shall be those established by salary standardization schedules or by collective bargaining, and shall not be listed for individuals or individual positions, except where the compensation of incumbents is higher than the rate fixed by salary standardization or collective bargaining, which compensation shall not be reduced so long as the incumbents legally hold such positions. Notwithstanding the provisions of Charter Section 2.105 with respect to amendment of sections of ordinances, any change in the number of positions allowed for any department or office, and seniority or other compensation increases authorized as provided elsewhere in the Charter for officers or employees, may be covered by amendment of the appropriate item or items of the ordinance herein referred to. The said ordinance shall constitute the legal basis for check by the Civil Service Commission or the Controller as to the legality of the creation of any position in the City and County service and the rate of compensation fixed therefor.

The Controller and the Director of Human Resources may make such administrative adjustments in the salary provisions of the annual salary ordinance as are necessary to conform to the salary provisions of any collective bargaining agreements approved by the Board of Supervisors subsequent to the adoption of the annual budget. (Added by Ord. 439-96, App. 11/8/96)

SEC. 10.05. ALLOTMENTS.

The several items of expenditure appropriated in each annual appropriation ordinance, being based on estimated receipts, income or revenues which may not be fully realized, it shall be incumbent upon the Controller to establish a schedule of allotments, as he or she may determine, under which the sums appropriated to the several departments shall be expended. The Controller shall revise such revenue estimates periodically. If such revised estimates indicate a shortage the Controller shall hold in reserve an equivalent amount of the corresponding expenditure appropriations set forth in any said annual appropriation ordinance until the collection of the amount as originally estimated is assured; and, in all cases where it is provided by the Charter that a specified or minimum tax shall be levied for any department, the amount of the appropriation in any annual appropriation ordinance derived from taxes shall not exceed the amount actually produced by the levy made for said department. The Controller in issuing warrants or checks or in certifying contracts or purchase orders or other encumbrances, pursuant to Section 10.06 of this Code, shall consider only the allotted portions of appropriation items to be available for encumbrance or expenditure and shall not approve the incurring of liability under any allotment in excess of the amount of such allotment. In case of emergency or unusual circumstance which could not be anticipated at the time of apportionment, an additional allotment for a period may be made on the recommendations of the department head and that of the Mayor, board or commission and the approval of the Controller. After the allotment schedule has been established or fixed, as heretofore provided, it shall be unlawful for any department or officer to expend or cause to be expended a sum greater than the amount set forth for the particular activity in the said allotment schedule so established unless an additional allotment is made, as herein provided. (Added by Ord. 439-96, App. 11/8/96)

SEC. 10.06. ENCUMBRANCES.

Accounts shall be kept by the Controller showing the amount of each class or item of revenue as

estimated and appropriated in the annual appropriation ordinance, and the amount collected. Accounts shall also be kept by the Controller of each expense appropriation item authorized by the Board of Supervisors.

Each such revenue and expense account shall show in detail the amount of the appropriation or appropriations made therefor by the Supervisors, the amount drawn thereon, the amount of encumbrance for purchase orders, contracts or other obligations theretofore certified by the Controller as against it, and the unencumbered balance to the credit thereof. This balance shall be the "unencumbered balance" as this term is used in the Charter and the Administrative Code.

No obligation involving the expenditure of money shall be incurred or authorized by any officer, employee, board or Commission of the City and County unless the Controller first certifies that there is a valid appropriation from which the expenditure may be made, and that sufficient unencumbered funds are available in the treasury to the credit of such appropriation to pay the amount of such expenditure when it becomes due and payable.

Each sum so recorded shall be an encumbrance for the purpose certified until such obligation is fulfilled, canceled or discharged, or until the ordinance or resolution is repealed by the Board of Supervisors. (Added by Ord. 439-96, App. 11/8/96)

SEC. 10.07. DISBURSEMENTS.

No money shall be drawn from the treasury of the City and County, nor shall any obligation for the expenditure of any money be incurred except in pursuance of appropriations or transfers made as provided in the Charter and the Administrative Code.

All warrants or checks shall be drawn by the Controller, in payment of claims, prepared and signed by the responsible official, for services, supplies and other obligations against the City and County, supported by proper invoices, bills and other necessary data.

The Controller shall audit such claims. If he or she finds the same to be correct and proper in all particulars, and clearly within the purposes for which the appropriation item to which it is charged was made, and that there is an adequate balance in such appropriation item to meet the payment, he or she shall draw and approve the warrant therefor.

If all or any portion of the claim is not correct, or if all proceedings required incidental to such payment have not been followed, the Controller may approve such part of such claim as he or she shall find correct and draw the warrant therefor, or he or she may return the claim to the department concerned with his or her disapproval.

Prior to his or her drawing any warrant or check therefor, the Controller may, in addition to any other inspection required by any other official, make such investigation and inspection as he or she deems necessary as to the quality, quantity and condition of services, material, supplies or equipment received by any officer or department for which payment is to be made by such warrant or check. If, in his or her opinion, any claim is not legal, he or she shall withhold approval of the same and immediately return such claim, together with a statement of his or her action thereon and reason therefor, to the responsible official, or transmit the same to the Mayor for instructions. No warrant or check shall be drawn in payment of a claim against a fund in which there is an insufficient unencumbered balance for the payment thereof. Such claims, if legal, shall be registered by the Controller in the order of receipt by him or her, and shall be paid in such order as moneys to cover the same become available in the proper fund. (Added by Ord. 439-96, App. 11/8/96)

SEC. 10.08. DISBURSEMENTS IN ADVANCE OF REVENUES.

The Board of Supervisors may gradually build up a cash reserve fund. Said fund shall be used exclusively:

(1) For the payment in any fiscal year of legally budgeted expenditures for such year in anticipation of the collection, after the close of such fiscal year, of legally collectible taxes and other revenues, as set forth in the budget and the appropriation ordinance for such fiscal year; and

(2) For paying that portion of the authorized expenses of the City and County for any fiscal year, which, as certified to said board by the Controller, becomes due and payable and must be paid prior to the receipt of tax payments for such fiscal year, provided, that such cash reserve fund shall not at any time exceed the estimated expenditures for the first five months of the then current fiscal year, less the

amount of estimated revenues and receipts from sources other than tax rate revenues.

In the event that funds are not available in such a cash reserve fund to meet authorized expenditures of any fiscal year, the Treasurer, upon the recommendation of the Controller, is authorized to transfer monies to the cash reserve from any idle funds then held by the Treasurer in the pooled funds of the City and County which are legally available for such a purpose, except a pension fund. The Treasurer and the Controller shall set the terms and conditions of the transfer, taking into account the requirements and nature of the fund from which the transfer was made. All monies transferred pursuant to this Section shall accrue interest at not less than the then current rate of interest earned by the Treasurer on the pooled funds of the City and County. Any transfer of a temporarily idle balance made as hereinabove authorized shall be repaid within one year of said transfer. Such transfers shall be secured by and made solely in anticipation of the collection of taxes levied or to be levied for the year in which said transfer is made and such transfer shall be repaid solely from the proceeds of revenues which accrued during the year in which said loan or transfer was made; provided, however, that tax anticipation loans made as hereinafter in this Section authorized, shall constitute a prior lien on said taxes levied or to be levied or collected. In no event shall the Controller or the Treasurer cause any transfer of monies pursuant to this Section if said transfer would be inconsistent with the terms and conditions of any outstanding bonded indebtedness of the City and County, including any of its boards or commissions.

The Board of Supervisors shall have the power to borrow money by the issuance of tax anticipation notes, temporary notes, commercial paper, or any other short-term debt instruments in the manner provided by the statute of the State of California or pursuant to ordinance of the Board of Supervisors. (Added by Ord. 439-96, App. 11/8/96; amended by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.08-1. INVALIDITY OF IMPROPER ACTS.

All obligations incurred, all ordinances passed, and resolutions and orders adopted, contrary to the

provisions of Sections 10.02, 10.06 and 10.08-2 of this Code, shall be void and any claim or demand against the City and County based thereon shall be invalid. (Added by Ord. 439-96, App. 11/8/96)

SEC. 10.08-2. PENALTIES.

Every officer who shall approve, allow or pay any demand on the treasury not authorized by law, ordinance or the Charter, shall be liable to the City and County individually and on his or her official bond for the amount of the demand so illegally approved, allowed or paid. (Added by Ord. 439-96, App. 11/8/96)

SEC. 10.1. ANNUAL ECONOMIC STATEMENT—CITY-FUNDED ORGANIZATIONS.

Every nonprofit corporation, organization or other legal entity, receiving funding from or through the City and County to provide direct services to the public (except local, State or federal governmental entities), shall file with the Department of Administrative Services an annual economic statement, on a form to be provided by the Department, on or before April 1st of each year setting forth the following information:

(a) Name of the chief executive officer, employee, or other person possessing daily managerial responsibilities;

(b) Name of all officers or directors and the names of all other boards of directors on which they serve; and

(c) Total expenditures during calendar or fiscal year, whichever is applicable; and budget for current calendar or fiscal year, whichever is applicable, setting forth the source of all monies received or budgeted and a program-by-program description of all monies expended or budgeted.

All entities applying for or receiving monies from the City and County who do not have on file a current annual economic statement shall file a statement in the same manner and form as the statement described above before any public monies shall be approved. (Added by Ord. 16-81, App. 1/9/81; amended by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.2. AUTHORIZATION FOR THE ASSESSOR-RECORDER, CONTROLLER AND TAX COLLECTOR TO PERFORM CERTAIN ACTS.

In accordance with Section 4804 of the Revenue and Taxation Code of the State of California, the Board of Supervisors of the City and County of San Francisco, hereby authorizes the Assessor-Recorder, the Controller and the Tax Collector of the City and County of San Francisco to perform on its behalf any act required or authorized to be performed by the Board of Supervisors of the County of San Francisco for the City and County of San Francisco under the following sections of the Revenue and Taxation Code regardless of amount of taxes involved:

- (a) Sections 166, 270, 271;
- (b) Sections 4831 through 4842, both inclusive;
- (c) Sections 4985 through 4986, both inclusive;
- (d) Sections 5026 through 5029, both inclusive;
- (e) Sections 5061 through 5064, both inclusive;
- (f) Sections 5071 through 5073, both inclusive;
- (g) Sections 5096 through 5097, both inclusive;
- (h) Sections 480 through 485, both inclusive;

Provided, however, that the Controller of the City and County of San Francisco is hereby required to record each act performed under this authorization; and provided further, that the Assessor-Recorder shall make periodic reports, not less frequently than quarterly, to the Board of Supervisors of any and all acts performed under this authorization.

Any act performed by the Assessor-Recorder under this authorization shall comply with the following administrative rules and procedures:

1. If such act will increase the amount of taxes due, the Assessor-Recorder shall give the Assessee opportunity for a hearing after at least five days' notice at which the Assessee may present objections to the change. The decision of the Assessor-Recorder in the matter is final.

2. Any such act performed by the Assessor-Recorder under this authorization shall be performed pursuant to a statement of findings reciting the facts found by the Assessor-Recorder and further reciting the section or sections of the Revenue and Taxation Code pursuant to which such act was performed.

In accordance with the request heretofore made by the City Attorney of the City and County of San Francisco under Section 4804 of the Revenue and Taxation Code of the State of California, there is hereby granted a waiver of the requirement for written consent of the County Legal Advisor in any act performed under the provisions hereof.

The Controller may perform such acts in reliance upon action of the Assessor-Recorder as provided herein as though such action was performed by the Board of Supervisors. (Added by Ord. 352-84, App. 8/8/84; amended by Ord. 313-00, File No. 001908, App. 12/28/2000)

Sec. 10.2-1.

(Amended by Ord. 141-72, App. 5/26/72; repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.2-2. TAX ASSESSMENT PAYMENTS IN EVEN CENTS ONLY.

Pursuant to Section 2152.5 of the Revenue and Taxation Code the Controller is hereby authorized and directed as County Auditor, upon the preparation of the assessment roll by electronic data processing methods, to compute and enter on the secured roll the respective amounts due in installments as taxes in such manner as to reject any cent not evenly divisible by two in the computation of taxes on any assessment, and in the extension of taxes, special assessments or charges on the county assessment roll for any other public agency. (Added by Ord. 352-84, App. 8/8/84)

SEC. 10.2-3. ASSESSOR-RECORDER AUTHORIZED TO ACCEPT APPLICATIONS FOR REDUCTIONS IN ASSESSMENTS.

Pursuant to the provisions of the Revenue and Taxation Code of the State, the Assessor-Recorder of the City and County and such members of his or her official staff as may be designated by the Assessor-Recorder are hereby authorized and directed to accept, for and on behalf of the Board of Supervisors sitting as a County Board of Equalization, verified written applications for reduction of assessments appearing in the assessment roll. (Added by Ord. 352-84, 8/8/84, amended by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.2-4. PAYMENT OF TAXES IN INSTALLMENTS.

(a) Pursuant to Section 4837.5 of the Revenue and Taxation Code, taxes levied on an escape assessment, made under the authority of Article 4, Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code or taxes increased by reason of the discovery of an error, pursuant to Article 1 of Chapter 2 of Part 9 of Division 1 of the Revenue and Taxation Code may be paid in installments if:

1. A verified, written request for installment payment is filed by the Assessee with the Tax Collector prior to date of delinquency of payment of such taxes.

2. Such request shall establish that an error of the Assessee was not the cause of the tax or tax increase and that the payment of the full tax in the year of billing would constitute a hardship on the Assessee.

3. Such request shall contain the covenant and agreement of the Assessee that, if the request is granted, interest will be paid as hereinafter provided.

The deferred portion of taxes paid in installments shall bear interest at the rate of $\frac{1}{2}$ of one percent a month or fractional part thereof payable in installments concurrently with installments of taxes.

(b) A copy of the installment request shall be transmitted by the Tax Collector to the Assessor-Recorder. The Assessor-Recorder shall within 10 days after such transmittal file a verified statement with the Tax Collector stating whether in the Assessor-Recorder's opinion the tax or tax increase was caused by an error of the Assessee. When a tax increase, pursuant to Section 4832 of the Revenue and Taxation Code is involved, the reference in this Section to the Assessor-Recorder shall be deemed to be a reference to the Controller.

(c) Based upon the request of the Assessee and the statement from the Assessor-Recorder or Controller, the Tax Collector shall determine whether the request shall be allowed or denied. The Tax Collector shall notify the Assessee of the decision by written notice to the Assessee's last known address. If the request is granted, the notice shall set forth the installment payment schedule and the consequences for failure to meet the requirements of the payment plan as set forth in this Section.

(d) If payment is authorized to be made in installments, one-quarter of said tax shall be paid within 30 days after the date that notice is mailed by the Tax Collector to the Assessee notifying the Assessee that installment payments will be allowed. One-quarter of said tax shall be paid on the first, second, and third yearly anniversary of the date that notice authorizing installment payments is mailed by the Tax Collector to the Assessee.

(e) If taxes are authorized to be paid in installments, no penalties shall be charged so long as installment payments are made when due. If any installment is not paid when due, or if the property on the secured roll becomes tax deeded, or if the taxes due on the unsecured roll are not paid on or before August 31st, the entire tax shall immediately become due and payable and no further installment payments shall be authorized under the provisions of this Section. Interest, penalties, costs and redemption penalties and fees, if applicable, shall be charged on the total tax as if no payment had been received. There shall be credited on the amount payable the total amount of any installments paid under this plan.

(f) If payment is not authorized in installments, the original amount of taxes due shall be payable within 30 days of the mailing of the notice to the taxpayer if the original delinquency date has passed.

(g) The Tax Collector shall maintain a separate record listing the current status of all such installment accounts authorized under this Section.

(h) It is not the intent of this Section to in any way stay the enforcement of any of the other provisions of the Revenue and Taxation Code. (Added by Ord. 352-84, App. 8/8/84; amended by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.2-5. REASSESSMENT OF PROPERTY DUE TO MISFORTUNE OR CALAMITY.

(a) Any person who, at 12:01 a.m. on the March 1st immediately preceding the fiscal year commencing July 1, 1977, or who, at 12:01 a.m. on the March 1st immediately preceding any subsequent fiscal year, was the owner of, or had in his or her possession, or under his or her control, any taxable property, or who acquired such property after such date and is liable for taxes thereon for the fiscal year

commencing the immediately following July 1st, which property was thereafter damaged or destroyed, without his or her fault, by a misfortune or calamity, may, not later than the last day of the fiscal year in which said property was so damaged or destroyed, apply for reassessment of such property by delivering to the Assessor-Recorder a written application showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of \$5,000. The application shall be executed under penalty of perjury, or if executed outside the State of California, verified by affidavit.

(b) Upon receiving a proper application, the Assessor-Recorder shall reassess the property according to its full cash value immediately after the damage or destruction. The Assessor-Recorder shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the Assessment Appeals Board within 14 days of the date of mailing the notice. If an appeal is requested within the 14-day period, the board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the board regarding the damaged value of the property shall be final; provided, that a decision of the Assessment Appeals Board regarding any reassessment made pursuant to this Section shall create no presumption as regards the value of the affected property subsequent to the date of the damage.

(c) If the damaged full cash value of the property as determined above is not at least \$5,000 less than the full cash value shown on the assessment roll for the year in question, no adjustment shall be made to said roll and no taxes shall be canceled or refunded. Those reassessed values resulting from reductions in full cash value of at least \$5,000, as determined above, shall be forwarded to the Controller by the Assessor-Recorder or the Clerk of the Assessment Appeals Board, as the case may be. The Controller shall enter the reassessed values on the roll. After being entered on the roll, said reassessed values shall not be subject to review except by a court of competent jurisdiction.

(d) If no such application is made and the Assessor-Recorder determines that the full cash value of such property for the assessment year is reduced from the full cash value of such property for the immediately preceding assessment year by more than \$5,000 due to the damage or destruction caused by the misfortune or calamity, the Assessor-Recorder shall notify the property owner that the property will be reassessed. The Assessor-Recorder shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the Assessor-Recorder, if he or she reassesses the property, shall transmit to the Assessment Appeals Board a description of the property so reassessed, the name of the person making application in connection with the property, if any, or the name of the property owner notified of the reassessment and the value of the property as so reassessed. Upon such notice as it may find to be proper, the Assessment Appeals Board shall equalize any such assessment or reassessment.

(e) As used in this Section, "damage" includes property which has diminished in value as a result of restricted access to the property where such diminution in value was caused by the misfortune or calamity.

(f) The tax rate fixed for property on the roll on which the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the reassessment determined in accordance with this Section. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

1. With respect to property on the secured roll a prorated portion of the tax due on the property as originally assessed at the rate established for property on the secured roll for the current fiscal year, such proration to be determined on the basis of the number of months in the year during which the property was in an undamaged condition plus a proration of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for such fiscal year, such proration to be determined on the basis of the number of months in the year in which the property was in a damaged condition, including the month in which the damage was incurred.

2. With respect to property on the unsecured roll, he or she shall be liable for a prorated portion of the tax computed on the original assessment of the property and a prorated portion of the tax computed on the reassessment of the property as determined in the preceding paragraph.

(g) Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the State of California, as an erroneously collected tax. (Added by Ord. 352-84, App. 8/8/84; amended by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.2-6. ANNUAL ASSESSMENT ROLL TO BE OPEN TO INSPECTION.

Annually, upon completion and constructive delivery of the annual assessment roll to the Clerk of the Board of Supervisors, the roll shall remain in the Assessor-Recorder's office for the inspection of all persons interested. (Added by Ord. 352-84, App. 8/8/84; amended by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.2-7. TRANSFER OF BASE VALUE OF SUBSTANTIALLY DAMAGED OR DESTROYED PROPERTY.

Subject to the conditions and limitations of Section 69.3 of the Revenue and Taxation Code, homeowners are authorized to transfer the base year value of real property that is located within another county in this State and has been substantially damaged or destroyed by a disaster to comparable replacement property, including land of equal or lesser value that is located within San Francisco and has been acquired or newly constructed as a replacement for the damaged or destroyed property within three years after the damage or destruction of the original property. (Added by Ord. 422-94, App. 12/30/94)

SEC. 10.2-8. EXEMPTION FROM PROPERTY TAXATION OF LOW-VALUE PERSONAL PROPERTY.

(a) Findings and Intent.

(1) Section 155.20 of the California Revenue and Taxation Code permits county boards of supervisors to exempt from property tax property with a

total full value so low that, if not exempt, the total taxes, special assessments, and applicable subventions on the property would amount to less than the cost of assessing and collecting them. The exemption is limited to property with a total full value of \$5,000 or less. In enacting this ordinance, the Board of Supervisors intends to exercise the authority granted to it pursuant to Revenue and Taxation Code Section 155.20, as amended from time to time, with respect to personal property on the unsecured roll with a total full value of \$4,000 or less.

(2) The Board of Supervisors of the City and County of San Francisco has determined that the costs of assessing and collecting the taxes, assessments, and subventions on personal property on the unsecured roll with a total full value of \$4,000 or less, exceeds the proceeds to be collected.

(b) **Exemption.** Beginning with the 1998-99 assessment year, all personal property, as defined in Section 106 of the Revenue and Taxation Code as amended from time to time, with a total full cash value of \$4,000 or less, shall be exempt from property taxation and shall not be entered on the unsecured property tax roll, as provided in Revenue and Taxation Code Section 155.20, as amended from time to time. This exemption shall apply only when the aggregate value of all personal property owned, possessed or controlled by any one owner or taxpayer does not exceed \$4,000 on any given lien date. (Added by Ord. 308-97, App. 8/1/97; amended by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.3. COLLECTION OF UNSECURED PROPERTY TAXES.

The duty of collecting unsecured property taxes shall be transferred from the Assessor-Recorder to the Tax Collector as of the effective date of this amendment and annually hereafter shall be transferred from the Assessor-Recorder to the Tax Collector on the first Monday of March of each year. The Tax Collector shall continue to collect such taxes from and after the first Monday of March of each year hereafter until and unless ordered to discontinue the collection thereafter by a 4/5 vote of the Board of Supervisors. (Amended by Ord. 217-66, App. 8/26/66; Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.3-1. COLLECTION OF SECURED PERSONAL PROPERTY TAXES.

The provisions of Chapter 2.1, Sections 2700 to 2707, of the Revenue and Taxation Code of the State are hereby made applicable to the City and County. The Assessor-Recorder, the Tax Collector and the Controller are hereby directed to proceed in the collection of secured personal property taxes in accordance with the provisions of such chapter. (Resolution No. 6714 (1939); amended by Ord. 313-00, File No. 001908, App. 12/28/2000)

Sec. 10.3-2.

(Resolution No. 7670 (1939); repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

Sec. 10.3-3.

(Ordinance No. 490-58, Secs. 1, 2; repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

Sec. 10.4.

(Added by Ord. 101-81, App. 3/3/81; repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

Sec. 10.4-1.

(Repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

Sec. 10.4-2.

(Added by Ord. 101-81, App. 3/3/81; repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

Sec. 10.4-3.

(Added by Ord. 101-81, App. 3/3/81; repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

Sec. 10.5.

(Resolution No. 2141 (C.S.); repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.6. AUDITS AND INVESTIGATIONS BY CONTROLLER—TO BE PERFORMED AS REQUIRED BY CHARTER.

The Controller shall audit the accounts of all boards, offices, and employees of the City and County, charged in any manner with the custody,

collection or disbursement of funds, as provided by Section 3.303 of the Charter. He or she shall investigate the unit cost of all work done by the City and County as provided in Section 3.301 of the Charter and shall also make all investigations and reports provided for in Chapter 6 of this Code. (Bill No. 424, Ord. No. 9.0621 (C.S.) Sec. 1)

Sec. 10.6-1.

(Added by Ord. 175-71, App. 7/8/71; repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.6-2. CONTROLLER'S AUDIT OF LEASES UNDER WHICH CITY IS LESSOR

The department, board, or commission that has management and control of, or jurisdiction over, any leased property is responsible for ensuring that all tenants are paying the correct rent to the City. The Controller is hereby authorized to audit departments to ensure that they are adequately managing their leases. The cost of such audits shall be borne by the respective department, board, or commission.

Pursuant to Section 3.105 of the Charter, the Controller is authorized and directed to conduct audits, at regular intervals, of all leases of city-owned real property where rent of \$100,000 or more a year is to be paid to the City. Any department board, or commission may elect to have audits conducted or contracted to be conducted by the Controller. The cost of each such audit shall be borne by the department, board or commission that has management and control of, or jurisdiction over, the leased real property. Within 30 days after the completion of each such audit, the Controller shall file reports of the audit with the Mayor and the Board of Supervisors and shall deliver a copy of the report to the department, board or commission that has management and control of, or jurisdiction over, the leased real property. The department, board or commission shall take corrective action to comply with the audit recommendations and shall report to the Controller on the action taken within 45 days of the receipt of the audit report and at the end of each six months thereafter until the matters disclosed by the audit have been resolved. (Added by Ord. 323-86, App. 8/8/86; amended by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.6-3. CONTROLLER'S QUARTERLY AUDIT OF THE TREASURER.

Under authority of Charter Section 3.303 and Sections 26920, 26921 and 26923 of the Government Code of the State of California, the Board of Supervisors, by a four-fifths vote, hereby directs that the Controller of the City and County of San Francisco shall perform an audit of all accounts of money coming into the hands of the Treasurer and express an opinion attesting to the accuracy of the treasury records relative to the amount and type of assets in the treasury at least once each quarter, or more frequently at the Controller's discretion. (Added by Ord. 6-90, App. 1/5/90)

Sec. 10.7.

(Bill No. 424, by Ord. No. 9.0621 (C.S.), Sec. 2; repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

Sec. 10.7-1.

(Amended by Ord. 6976, App. 3/12/76; repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.7-2. FINDINGS AND INTENT.

The Board of Supervisors of the City and County of San Francisco finds and determines that:

(a) As an essential element of the local agency home rule guaranteed by the California Constitution, property taxes collected in a county have always been intended for use in that county.

(b) Proposition 13, as adopted in June of 1978 and amended thereafter, allows the Legislature to specify how the property taxes collected in a county are to be apportioned among the county and the cities and districts therein, but did not contemplate that property taxes would be taken for State purposes or would be apportioned in a manner inconsistent with the home rule provisions of the Constitution of California.

(c) Proposition 98, as adopted in November of 1988 and amended by Proposition 111 in June of 1990, provides that a county's portion of school funding is the amount of property taxes provided to the schools in the county for fiscal 1987-88, adjusted annually for cost of living increases. Pursuant to Proposition 98, the State's portion of school funding

is the amount that, when added to the counties' portion, will bring total school funding up to the level specified in the Proposition.

(d) The Legislature of California has expressed its intent to take approximately \$2,600,000,000 of the property taxes collected in California counties in fiscal 1993-94 and use those funds to pay a substantial part of the State's portion of school funding or to pay other State expenses, in clear violation of the letter and intent of Proposition 98 and of Articles XIII A and XIII B of the California Constitution.

(e) For fiscal 1992-93, available revenues have fallen far short of the expenditures necessary to meet the critical needs of the City and County of San Francisco, requiring that essential City and County services be cut substantially.

(f) If the gap between available revenues and necessary expenditures increases to any significant extent for fiscal 1993-94, the City and County will not be able to fund State mandates and provide for the essential health, safety and general welfare of its citizens that is requisite to meaningful home rule.

(g) If the Legislature acts upon its expressed intent to take approximately \$2,600,000,000 of the property taxes collected in California counties in fiscal 1993-94 and use those funds to pay a substantial part of the State's portion of school funding or to pay other State expenses, this City and County would lose a very significant part of the funding now used to provide critical City and County services, would be prevented from providing for the essential health, safety and general welfare of its citizens, and would be deprived of meaningful home rule in contravention of the Constitution of California.

(h) The City and County of San Francisco Board of Supervisors hereby finds that the aforesaid intended State action would constitute an illegal confiscation of the property taxes of this City and County, in that such action would prevent the City and County from providing for the essential health, safety and general welfare of its citizens, would prevent the meaningful home rule guaranteed by the constitution of California, would violate the schools funding scheme of Proposition 98 by requiring this City and County to pay a substantial part of the State portion of school funding, would violate Section 6 of Article XIII B of the State Constitution by mandating increased local

agency funding of schools without State reimbursement, and would be in excess of the power given to the Legislature in Section 1(a) of Article XIII A of the State Constitution lawfully to apportion property taxes among the City and County therein.

(j) The City and County of San Francisco therefore, determines, that it is necessary to take action to prevent the intended State confiscation of the property taxes to be collected in the City and County of San Francisco for fiscal 1993-94 and to insure the preservation of the constitutionally guaranteed powers of home rule, including the power to provide for the essential health, safety and general welfare of the citizens of the City and County. This ordinance, therefore, provides for the lawful apportionment among the City and County therein of the property taxes collected in this City and County in fiscal 1993-94. (Added by Ord. 156-93, App. 5/28/93)

SEC. 10.7-2.1. APPORTIONMENT.

Notwithstanding any provisions of State law to the contrary, the apportionment of property taxes among the City and County, school districts (including community college district) and other districts therein shall be in the manner such apportionment was made for fiscal 1992-93 pursuant to Chapter 6 of Part 0.5 of Division 1 of the Revenue and Taxation Code of California. (Added by Ord. 156-93, App. 5/28/93)

SEC. 10.7-2.2. COLLECTION AND DISBURSEMENT.

The Controller of the City and County of San Francisco shall collect, apportion and disburse property taxes for fiscal 1993-94 in accordance with Section 2 unless and until the Board of Supervisors by resolution directs another method. (Added by Ord. 156-93, App. 5/28/93)

SEC. 10.7-2.3. CIRCUMSTANCES INVOKING OPERATION OF THIS ORDINANCE.

In accordance with the findings and intent of Section 10.7-2, this ordinance will become operative, and property taxes shall be collected, apportioned and disbursed in accordance herewith, in the event the State enacts legislation that would result in the aforesaid confiscation of property taxes collected in

the City and County of San Francisco in fiscal 1993-94. (Added by Ord. 156-93, App. 5/28/93)

Sec. 10.8.

(Bill No. 424, Ord. No. 9.0621 (C.S.), Sec. 3; repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

Sec. 10.8-1.

(Resolution No. 518-58; repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

Sec. 10.9.

(Ord. No. 4436 (1939), Sec. 1; repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.10. RECEIPT OF NEGOTIABLE PAPER FOR COLLECTION—DEFINITIONS.

Negotiable paper shall mean, for the purposes of the six following sections, a draft, bank or personal check; and express or post office money order; provided, that the City and County is the payee named on the face of the instrument, and such instrument is payable in full on demand.

"Obligation" shall mean, for the purposes of the six following sections, any tax, assessment, license, fee or other account in which money is owed or is payable to the City and County. (Ord. No. 2334 (1939), Sec. 1)

SEC. 10.11. RECEIPT OF NEGOTIABLE PAPER FOR COLLECTION—RECEIPT AUTHORIZED; EXCEPTION.

All officers, boards and commissions of the City and County may receive negotiable paper for collection, when the proceeds are to be used in payment of an obligation to the City and County; provided, that the proceeds thereof shall be not less than the amount of the determined obligation. (Ord. No. 2334 (1939), Sec. 1)

SEC. 10.11-1. PAYMENT BY CREDIT CARD, DEBIT CARD AND AUTOMATIC TELLER MACHINE CARD.

(a) As used in this Section:

(1) "Credit card" means any card, plate or other

credit device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor or services on credit.

(2) "Debit card" means any card, plate or other device existing for the purpose of being used from time to time upon presentation to electronically transfer money from a financial institution account of the debit card holder to the payee.

(3) "Automatic teller machine card" ("ATM card") means any card, plate or other device existing for the purpose of being used from time to time at automated teller machines and other related on-line networks to conduct a range of standard banking transactions electronically, including, but not limited to, transferring funds between financial institution accounts, making deposits into financial institution accounts, withdrawing funds from financial institution accounts, and paying bills.

(b) All officers, boards, commissions and departments of the City and County authorized by law to collect fees, taxes or other charges are hereby authorized to accept credit cards, debit cards and ATM cards for the payment of such fees, taxes or other charges in excess of \$10. Credit card and debit card payments shall be made in person, by mail, over the telephone or by other electronic means. ATM card payments are restricted to in-person payments with valid identification. Any officer, board, commission or department electing to accept credit cards, debit cards or ATM cards for the payment of fees, taxes or other charges shall obtain prior approval of the Treasurer and Controller. (Added by Ord. 5-90, App. 1/5/90; amended by Ord. 360-92, App. 12/21/92; Ord. 53-97, App. 2/27/97; Ord. 113-97, App. 3/28/97)

SEC. 10.12. RECEIPT OF NEGOTIABLE PAPER FOR COLLECTION—SUBMISSION TO TREASURER FOR COLLECTION.

All negotiable paper received under the provisions of the preceding section shall be submitted for collection to the Treasurer of the City and County not later than the next business day after it is received. (Ord. No. 2334 (1939), Sec. 1)

SEC. 10.13. RECEIPT OF NEGOTIABLE PAPER FOR COLLECTION—RETURN WHEN AMOUNT IS INSUFFICIENT.

In the event that the negotiable paper tendered under the provisions of the two preceding sections is insufficient in amount, or deficient in any other respect, it shall be returned to its sender not later than the next business day after its receipt. Each department and office shall maintain a register in which shall be chronologically recorded each item so returned. There shall also be recorded in the register the date, amount, identity of the negotiable paper, name and address of the sender, and the date and reason for its return. (Ord. No. 2334 (1939), Sec. 1)

SEC. 10.13-1. CHARGE FOR PERSONAL CHECKS RETURNED WITHOUT PAYMENT.

If any personal check offered in payment for any license, permit, fee or fine, or in payment of any obligation owing to the City and County or subdivision, department, board, commission, body or agency thereof, is returned without payment, for any reason, a reasonable charge for the returned check not to exceed thirty-five dollars (\$35.00) based upon the actual costs as determined by the Controller may be imposed on the person who issued the check by the Treasurer of the City and County, as well as any other penalties authorized under California Civil Code Section 1719. This charge may be added to and become part of any underlying obligation other than an obligation which constitutes a lien on real property; and a different method of payment of that payment and future payments by the person who issued the check may be prescribed by the Treasurer. Any charge imposed for a returned check by either the Treasurer or a court shall be deposited in the General Fund of the City and County. (Added by Ord. 179-79, App. 4/20/79; amended by Ord. 313-00, File No. 001908, App. 12/28/2000; Ord. 133-03, File No. 030627, App. 5/30/2003)

SEC. 10.14. RECEIPT OF NEGOTIABLE PAPER FOR COLLECTION—WHEN PAYMENT IS DEEMED MADE.

When negotiable paper is honored and paid upon presentation and the proceeds thereof deposited in the

Treasury of the City and County in the usual course of business, then and not before, the obligation for which it was tendered shall be deemed paid as at the date of receipt of the negotiable paper. (Ord. No. 2334 (1939), Sec. 1)

SEC. 10.15. RECEIPT OF NEGOTIABLE PAPER FOR COLLECTION—PAYMENTS IN EXCESS OF OBLIGATION.

In the event the proceeds collected from negotiable paper are in excess of the amount of the obligation to be paid, refund of the amount of the excess may be made in accordance with the procedure prescribed in the permit procedure ordinance of the City and County. (Ord. No. 2334 (1939), Sec. 1)

SEC. 10.16. INAPPLICABILITY OF SECTIONS 10.10—10.15.

Except for Section 10.13-1, the provisions of Sections 10.10 through 10.15 shall not apply to the collection and refunding procedure of the offices of the Tax Collector and Assessor-Recorder, to collections of the Superior Court, nor to the collection of revenues of the Public Utilities Commission, which revenues are the result of utility rates fixed pursuant to the provisions of Section 2A.134 of this Code. (Amended by Ord. 179-79, App. 4/20/79; amended by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.17. ACCOUNTING FOR AND REPORTING INCOME TAXES—CONTROLLER'S DUTIES.

To comply with income tax or other related tax provisions of the government of the United States or the State, the Controller is hereby directed, and it shall be his or her duty, to render the required accounting and reporting in the manner and within the time limitations established by law. (Ord. No. 1883 (1939), Sec. 1)

SEC. 10.18. ACCOUNTING FOR AND REPORTING INCOME TAXES—DUTIES OF CITY OFFICES, BOARDS AND COMMISSIONS.

All offices, boards and commissions of the City and County shall keep such records and render to the Controller such reports as the Controller may require to comply with the provisions of the preceding section.

The failure of any officer to keep such records and to furnish the reports to the Controller upon the demand of the latter shall be deemed dereliction of duty and the failure shall be reported by the Controller to the Mayor. (Ord. No. 1883 (1939), Sec. 3)

Sec. 10.19.

(Amended by Ord. 614-83, App. 12/22/83; Ord. 532-88, App. 12/16/88; repealed by Ord. 313-00, File No. 001908, App. 12/28/2000)

SEC. 10.19-1. CLEARINGHOUSE REPRESENTATIVE.

The Board of Supervisors, by ordinance, upon the recommendation of the Mayor, the Treasurer and the Controller, may designate any bank, qualified to be a depository, to be the clearinghouse representative of the City and County; and, the City and County may pay a reasonable fee for the service thereof. The necessary procedure shall be provided by ordinance. (Added by Ord. 439-96, App. 11/8/96)

SEC. 10.19-2. CUSTODY OF MONEYS AND SECURITIES.

The Board of Supervisors shall by ordinance provide for the safe custody of all money and property in the possession or under the control of the Treasurer. (Added by Ord. 439-96, App. 11/8/96)

SEC. 10.19-3. FEES FOR LICENSES AND PERMITS.

The fees or licenses to be charged for the use of obstruction of or encroachment on public streets and places, exclusive of the granting of franchises governed by other provisions of this or other codes or of the Charter, and for the operation of businesses or exercise of privileges which effect the health, fire prevention, firefighting, crime, policing, welfare or zoning conditions of or in the City, and County, and for such other matters as the Board of Supervisors may deem advisable shall not be less than the cost to the City and County of regulation and inspection; provided, that insofar as the regulation and inspection of foodstuffs or articles of food for human consumption are concerned, the fees or licenses to be charged for such regulation and inspection shall be as determined by the Board of Supervisors, but the same shall not exceed the cost of said regulation and inspection. (Added by Ord. 439-96, App. 11/8/96)

SEC. 10.19-4. NOTICE BY DEPARTMENTS TO BOARD OF SUPERVISORS.**(a) Findings.**

1. The Board of Education and the Superintendent of the San Francisco Unified School District have indicated their strong commitment to accountability at all levels of District operations and have taken measures over the past year to investigate, audit, and review the past spending practices of the District's Facilities Department with respect to school construction bond funds; and,

2. The District has stated that it welcomes continued input and assistance from the community and from city and state government officials and is engaged in an ongoing effort to restructure the District's Facilities Department; and

3. Two School Board Commissioners, Commissioners Wynns and Cruz, have introduced two resolutions that are currently pending before the Board of Education to strengthen the District's oversight of school construction bond funds; and,

4. Each of these resolutions has been introduced and been read once, and is expected to be adopted by the Board of Education at a regularly scheduled Board meeting early in calendar year 2002; and,

5. The first of these resolutions, if adopted, would provide that the District exceed state statutory requirements for the oversight of school construction bond funds and institute the highest level of oversight that the District has ever had over the use of school construction bond funds by establishing the District's School Facilities Citizen's Oversight Committee; and,

6. The first resolution provides that the School Facilities Citizen's Oversight Committee provide advice and recommendations to the District regarding the expenditure of funds for bond related projects, actively review and report on the proper expenditure of taxpayers' money for school construction and to take any necessary action in furtherance of its purpose, including, but not limited to, receiving and reviewing copies of annual independent financial audits and deferred maintenance proposals, inspecting school facilities and grounds, and receiving and reviewing cost-saving measures designed to reduce the costs of professional fees and site preparation.

7. The second resolution would establish a Bond Program Advisory Council to report to the Board of Education and provide information to City and State officials, and make recommendations regarding policies to the Board of Education surrounding the effective and efficient implementation of school bond construction funds.

(b) The San Francisco Unified School District ("the District") through its Facilities and Planning Department must submit written reports to the Budget Analyst's Office, the City's Public Finance Office, the Department of Public Works, and the Controller's Office, on a quarterly basis to update these City departments on the status of the use of the 2002 bond proceeds. Should the School District not do so, these departments shall notify the Board of Supervisors. Prior to the appropriation of 2002 school bond proceeds by the Board of Supervisors, the District shall provide to the City Treasurer, the Director of Public Finance and the Budget Analyst of the Board of Supervisors, a written timeline and expenditure plans for each of the projects to be funded with these bond funds in order to determine whether the appropriations of these bond funds are necessary and/or appropriate. (Added by Ord.12-02, File No. 012185, App. 1/25/2002)

SEC. 10.19-5. QUARTERLY REPORT ON DEPARTMENTAL SPENDING.

Not later than eight weeks after the end of each of the first three quarters of the fiscal year, all City departments shall submit a report to the Board of Supervisors identifying any areas, by appropriations item, where the department's rate of spending, if continued for the rest of the fiscal year, would exceed the total appropriation for the fiscal year for that item. The Budget Analyst shall review all reports submitted by a department pursuant to this section. (Added by Ord. 198-05, File No. 051135, App. 7/29/2005)

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ARTICLE II: SETTLEMENT OF CLAIMS FOR AND AGAINST CITY AND COUNTY

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|---------------|---|----------------|--|
| Sec. 10.20-1. | Necessity for Filing Claim. | Sec. 10.25-6. | Limitation on Recovery. |
| Sec. 10.20-2. | Presentation and Form of Claim. | Sec. 10.25-7. | Controller to Establish Rules and Regulations. |
| Sec. 10.20-3. | Time of Presentation of Claims. | Sec. 10.25-8. | Claims for Damaged or Destroyed Property; Non-Uniformed Employees. |
| Sec. 10.20-4. | Place of Presentation of Claim. | Sec. 10.25-9. | Claims for Stolen Property; Non-Uniformed Employees. |
| Sec. 10.20-5. | Disposition of Claims. | Sec. 10.25-10. | Airports Commission Legal Proceedings. |
| Sec. 10.20-6. | Disposition of Claims by Commissions. | Sec. 10.25-11. | Airports Commission Unlitigated Claims. |
| Sec. 10.20-7. | Application for Leave to Present Late Claim. | Sec. 10.25-12. | Settlement of Grievance Filed Pursuant to Valid Memoranda of Understanding. |
| Sec. 10.20-8. | Requests for Waiver of Statute of Limitations. | Sec. 10.26. | Deposit of Money Received. |
| Sec. 10.21. | Adjustment, Payment and Settlement of Claims, Judgments and Demands Prior to their Presentment as Claims. | Sec. 10.27. | Overpayment of Salary or Wages. |
| Sec. 10.22. | Allowance or Settlement of Unlitigated Claims Exceeding Twenty-Five Thousand Dollars. | Sec. 10.27-1. | Controller May Offset. |
| Sec. 10.22-1. | Settlement of Minor's Claims. | Sec. 10.27-2. | Controller May Offset—If Amount Owed Is Insufficient. |
| Sec. 10.22-2. | Settlement of Litigation not Exceeding Twenty-Five Thousand Dollars. | Sec. 10.27-3. | Controller May Offset—When Amount Becomes Payable. |
| Sec. 10.23. | Claims in Favor of City and County—Notice to be Filed. | Sec. 10.27-4. | Controller May Offset—When Person Fails to Bill for Payment. |
| Sec. 10.24. | Claims in Favor of the City and County—Settlement. | Sec. 10.27-5. | Controller May Offset—Net Amount. |
| Sec. 10.25. | Exceptions to Four Preceding Sections. | Sec. 10.27-6. | Controller May Offset—Section 16.32 Not Abridged. |
| Sec. 10.25-1. | Officers and Employees Included Within the Provisions of Sections 10.25-1 through 10.25-7. | Sec. 10.27-7. | Controller May Offset—Hearing. |
| Sec. 10.25-2. | Uniformed Officers and Employees Defined. | Sec. 10.28. | Special Counsel for Controller upon Actions Against Him or Her by City and County. |
| Sec. 10.25-3. | Replacement or Repair of Damaged Equipment, Property or Prostheses of Uniformed Officers and Employees. | Sec. 10.28A. | Calculation and Recovery of Emergency Response Expenses. |
| Sec. 10.25-4. | Time in Which Verified Claim Must be Filed. | Sec. 10.28-1. | Authorization and Authority for Use of Private Automobiles. |
| Sec. 10.25-5. | Requisites for Payment; Availability of Funds; Certification of Department Head. | | |

SEC. 10.20-1. NECESSITY FOR FILING CLAIM.

No suit for money or damages may be brought against the City and County until a written claim therefor has been presented to and rejected by the City

and County in conformity with the provisions of general State law relating to claims against public entities. Pursuant to the authority set forth in California Government Code Section 935, all claims against the City shall be subject to this requirement, including those claims otherwise exempt from claim filing requirements under California Government Code Section 905, except where the claims are governed by other statutes or regulations relating expressly thereto. (Amended by Ord. 303-63, App. 12/9/63; Ord. 226-02, File No. 021644, App. 11/26/2002)

SEC. 10.20-2. PRESENTATION AND FORM OF CLAIM.

A claim as required to be filed pursuant to Section 10.20-1 shall be presented by the claimant or by a person acting in his or her behalf as indicated by Section 915 of Government Code and shall show:

- (a) The name and post office address of the claimant;
- (b) The post office address to which the claimant desires notices to be sent;
- (c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- (d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation;
- (e) The name or names of the public employee or employees causing the injury, damage, or loss, if known; and
- (f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount need be included in the claim. However, the claim shall indicate whether it would be a limited jurisdiction civil case.

The claim shall be signed by the claimant or by some person on his or her behalf, except that claims against the City and County for supplies, equipment or services need not be signed by the claimant or on his or her behalf if presented on a billhead or invoice regularly used in conduct of the business of the claimant.

A claim may be amended as set forth in Section 910.6 (a) of Government Code of the State of California. (Amended by Ord. 303-63, App. 12/9/63; Ord. 314-00, File No. 001909, App. 12/28/2000)

SEC. 10.20-3. TIME OF PRESENTATION OF CLAIMS.

A claim relating to a cause of action for death or injury to person or to personal property or growing crops shall be presented not later than the six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of action.

For the purpose of computing the time limit prescribed by this Section, the date of the accrual of a cause of action to which a claim relates is the date upon which the cause of action would be deemed to have accrued within the meaning of the statute of limitations which would be applicable thereto if there were no requirement that a claim be presented to the City and County before an action could be commenced thereon. (Amended by Ord. 303-63, App. 12/9/63; Ord. 467-97, App. 12/23/97)

SEC. 10.20-4. PLACE OF PRESENTATION OF CLAIM.

A claim shall be presented to the City and County (1) by delivering it to the Clerk of the Board of Supervisors or Controller of the City and County, or (2) by mailing the claim to the Clerk of the Board of Supervisors or the Controller of the City and County or to the Board of Supervisors at its principal office not later than the last day of the period specified in Section 10.20-3.

If a claim is presented by mail, it shall be deposited in a United States post office, or a mailbox, sub-post office, substation, or mail chute, or other like facility regularly maintained by the government of the United States, in a sealed envelope, properly addressed, with postage paid. The claim shall be deemed to have been presented and received at the time of deposit. Proof of mailing may be made in the manner prescribed by Section 10.13a of the Code of Civil Procedure.

A claim shall be deemed to have been presented in compliance with this Section even though it is not delivered or mailed as provided in this Section if it is actually received by the Clerk of the Board of

Supervisors or the Controller of the City and County within the time prescribed for presentation thereof. (Amended by Ord. 303-63, App. 12/9/63)

SEC. 10.20-5. DISPOSITION OF CLAIMS.

(a) All claims, regardless of how presented, shall be forwarded to the Controller and entered in the claim register by him or her. After entering a claim in the claim register, the Controller shall forthwith forward it to the City Attorney, excepting therefrom those claims which are subject to Section 10.20-6 of this Article.

(b) The City Attorney shall review all claims forwarded to him or her to determine if they substantially comply with the requirements of Sections 910 and 910.2 of Government Code. Within 20 days after the claim is presented the City Attorney shall give written notice of its insufficiency, stating with particularity, the defects or omissions therein; provided further, that the City Attorney shall forthwith upon receipt of a claim request an investigation by the department which has jurisdiction over the matter or property giving rise to the claim. The department shall submit a report with respect to the circumstances of the claim and its recommendation thereon within 30 days to the City Attorney.

(c) Pursuant to Section 935.4 of Government Code, the City Attorney is hereby authorized to reject any and all claims forwarded to him or her by the Controller. He or she shall notify the claimant of such rejection, indicating whether the rejection is by operation of law or otherwise.

Further action by the City Attorney in connection with a claim shall be governed by the provisions of Sections 10.21 and 10.22 of the San Francisco Administrative Code. The City Attorney is authorized to extend, by agreement with the claimant, the time within which the City Attorney may consider a claim for purposes of payment or compromise under Sections 10.21 and 10.22. (Amended by Ord. 303-63, App. 12/9/63)

SEC. 10.20-6. DISPOSITION OF CLAIMS BY COMMISSIONS.

Pursuant to Sections 935.2 and 935.4 of Government Code, State of California, and Section B3.585 of

the Charter of the City and County of San Francisco, the Port Commission is hereby authorized to perform all functions of the Board of Supervisors under Part III of Division 3.6 of Title I of Government Code, State of California, relative to claims arising out of or in connection with any matter or property under its jurisdiction; provided, however, that applications for leave to present late claims pursuant to Section 10.20-7 of the San Francisco Administrative Code and Section 911.4 of Government Code, State of California, may be acted upon by the Port Commission, its chief executive officer or a duly designated employee thereof.

In carrying out these functions, the Port Commission may authorize, within prescribed limits, designated officers or employees to extend by agreement with the claimant the time within which the claim may be considered for allowance or compromise and settlement. (Amended by Ord. 513-78, App. 11/22/78; Ord. 314-00, File No. 001909, App. 12/28/2000)

SEC. 10.20-7. APPLICATION FOR LEAVE TO PRESENT LATE CLAIM.

(a) An application for leave to present a late claim shall be made in the manner prescribed in Section 10.20-4 for the presentment of a claim within a reasonable time not to exceed one year after the accrual of the cause of action. The application shall state the reason for the delay in presenting the claim and the proposed claim shall be attached thereto;

(b) Subject to Section 10.20-6, the application shall be forwarded to the City Attorney, who is hereby authorized, pursuant to Government Code Section 935.4, to perform the functions of the Board of Supervisors prescribed by Government Code, State of California, Section 911.4, with respect to said application. The City Attorney shall give notice in writing to the applicant of the action taken upon such application;

(c) An application for leave to present a late claim which is subject to Section 10.20-6 shall be forwarded to the Port Commission for action pursuant to Sections 911.4 and 911.8 of Government Code, State of California. (Amended by Ord. 487-78, App. 11/3/78; Ord. 314-00, File No. 001909, App. 12/28/2000)

SEC. 10.20-8. REQUESTS FOR WAIVER OF STATUTE OF LIMITATIONS.

(a) All requests by claimants for waiver of the statute of limitations by the Board of Supervisors shall be in writing and shall be filed with the Controller.

(b) Every claimant requesting such waiver shall pay a fee to the Controller in an amount to be established as hereafter provided.

(c) The Board of Supervisors shall determine and fix by resolution the fee to be paid by claimants requesting such waiver. Fees so fixed shall remain effective until new fees are established as hereafter provided.

Annually, on or before the fifteenth day of May of each year, the Controller shall determine and report to the Board of Supervisors an estimate of the costs to be incurred by departments, boards and commissions of the City and County, including the cost of publication of any ordinance or resolution in the official newspaper, in processing said requests for the ensuing fiscal year. The Board of Supervisors may thereupon by resolution revise the amount of the fee heretofore fixed.

All fees collected and retained pursuant to the terms of this Section shall be applied in defraying the costs of processing said requests.

(d) Upon the denial of any such request, the claimant shall be entitled to a refund of any fee paid pursuant to this Section upon application to the Controller. (Added by Ord. 61-69, App. 2/17/69; amended by Ord. 314-00, File No. 001909, App. 12/28/2000)

Sec. 10.20-9.

(Added by Ord. 67-90, App. 2/22/90; amended by Ord. 392-97, App. 10/17/97; amended and renumbered as Sec. 10.21 by Ord. 314-00, File No. 001909, App. 12/28/2000)

SEC. 10.21. ADJUSTMENT, PAYMENT AND SETTLEMENT OF CLAIMS, JUDGMENTS AND DEMANDS PRIOR TO THEIR PRESENTMENT AS CLAIMS.

The City Attorney or staff member of the Office of the City Attorney designated by the City Attorney may adjust, pay and settle any claim, judgment (together with allowable costs as approved by the court) or demand made prior to its presentment as a

claim where the amount of the adjustment or settlement does not exceed \$25,000. (Formerly Sec. 10.20-9; added by Ord. 67-90, App. 2/22/90; amended by Ord. 392-97, App. 10/17/97; amended and renumbered by Ord. 314-00, File No. 001909, App. 12/28/2000. Former Sec. 10.21 was repealed by Ord. 314-00)

SEC. 10.22. ALLOWANCE OR SETTLEMENT OF UNLITIGATED CLAIMS EXCEEDING TWENTY-FIVE THOUSAND DOLLARS.

Any unlitigated claim against the City and County in excess of \$25,000 may be allowed or settled and compromised on the written recommendation of the head of the department or of the board or commission in charge of the department against which the claim is made, with the written approval of the City Attorney and the approval of the Board of Supervisors by resolution. No claim shall be paid until the Controller shall certify that monies are available from the proper funds or appropriations to pay the claim as allowed or as compromised and settled. (Amended by Ord. 103-86, App. 3/28/86; Ord. 392-97, App. 10/17/97; Ord. 314-00, File No. 001909, App. 12/28/2000)

SEC. 10.22-1. SETTLEMENT OF MINOR'S CLAIMS.

The City Attorney may settle a minor's claim in an amount not to exceed \$1,500 by accepting a hold harmless agreement from the minor's parent or other responsible guardian in lieu of Superior Court approval and release pursuant to Probate Code Section 1431. The Controller is authorized to make payment upon receipt of such hold harmless agreement or a copy thereof. (Amended by Ord. 210-76, App. 6/25/76)

SEC. 10.22-2. SETTLEMENT OF LITIGATION NOT EXCEEDING TWENTY-FIVE THOUSAND DOLLARS.

Any litigated claim may be compromised and settled with the written approval of the City Attorney or a staff member of the Office of the City Attorney, designated by the City Attorney, where the amount of such compromise or settlement is not in excess of \$25,000, provided such settlement has been approved by the head of the department which has jurisdiction over the matter. No payment by way of compromise

and settlement authorized by this Section shall be made until the Controller shall certify that monies are available from the proper funds or appropriations to pay such compromise and settlement. The City Attorney shall submit, on a monthly basis, a report to each City department and commission and the Board of Supervisors listing litigation settled for an amount not in excess of \$25,000 during that month. Said reports shall list each litigation by amount demanded, amount paid, nature of incident giving rise to the litigation and the city department involved. (Amended by Ord. 103-86, App. 3/28/86; Ord. 140-90, App. 4/27/90; Ord. 77-91, App. 3/5/91; Ord. 392-97, App. 10/17/97; Ord. 314-00, File No. 001909, App. 12/28/2000)

SEC. 10.23. CLAIMS IN FAVOR OF CITY AND COUNTY—NOTICE TO BE FILED.

Whenever any claim in favor of the City and County shall arise against any person, it shall be the duty of the department head or of the board or commission concerned by the claim to forthwith file a written notice thereof with the City Attorney and the Controller, which notice shall set forth generally the amount and nature of the claim and the name and address of the person against whom the claim is made. (Ord. No. 8346 (1939), Sec. 3)

SEC. 10.24. CLAIMS IN FAVOR OF THE CITY AND COUNTY—SETTLEMENT.

(a) **Claim Under \$25,000, Not Litigated.** Any claim in favor of the City and County of San Francisco which does not exceed in amount the sum of \$25,000; and is not the subject of litigation may be settled and compromised on the written recommendations of the department head, or of the board or commission in charge of the department in favor of which such claim is made, and the City Attorney.

(b) **Claim Over \$25,000, Not Litigated.** If the claim exceeds in amount the sum of \$25,000; and is not the subject of litigation, the same may be settled and compromised only on the written recommendations of the department head, or the board or commission, and the City Attorney, and the approval of the Board of Supervisors by resolution.

(c) **Litigated Claim Under \$25,000.** Any litigated claim in favor of the City and County in which the total claim does not exceed in amount the sum of \$25,000; may be settled and compromised by the City Attorney upon written recommendation of the head of the department in favor of which such claim is made, subject to the written approval of the Mayor or the Mayor's designee with respect to the departments under the Mayor's jurisdiction and subject to the approval by resolution of the board or commission having jurisdiction over such department in other cases. (Amended by Ord. 103-86, App. 3/28/86; Ord. 278-96, App. 7/3/96; Ord. 392-97, App. 10/17/97)

SEC. 10.25. EXCEPTIONS TO FOUR PRECEDING SECTIONS.

The provisions of Sections 10.21 to 10.24 of this Code shall not apply to claims referred to the Bureau of Delinquent Revenue Collection, pursuant to the provisions of Sections 10.37 to 10.42 of this Code. (Ord. No. 8346 (1939), Sec. 5; amended by Ord. 314-00, File No. 001909, App. 12/28/2000)

SEC. 10.25-1. OFFICERS AND EMPLOYEES INCLUDED WITHIN THE PROVISIONS OF SECTIONS 10.25-1 THROUGH 10.25-7.

The provisions of Section 10.25-1 through 10.25-7 shall apply only to uniformed officers and employees of:

- (a) The Police Department;
- (b) The Fire Department;
- (c) The Sheriff's Department; and
- (d) The Municipal Railway. (Added by Ord. 90-62, App. 3/28/62)

SEC. 10.25-2. UNIFORMED OFFICERS AND EMPLOYEES DEFINED.

Uniformed officers and employees are those members of departments listed in Section 10.25-1 who are required by Charter, ordinance or rule of their department to possess a uniform in connection with their employment, whether or not such uniform was worn at the time of the claimed damage. (Added by Ord. 90-62, App. 3/28/62)

SEC. 10.25-3. REPLACEMENT OR REPAIR OF DAMAGED EQUIPMENT, PROPERTY OR PROSTHESES OF UNIFORMED OFFICERS AND EMPLOYEES.

Uniformed officers and employees may recover part or all of the cost of replacing or repairing equipment, property or prostheses which has been damaged or destroyed in the line of duty and without fault of the officer or employee in the manner provided in Sections 10.25-4 through 10.25-7. (Amended by Ord. 72-81, App. 2/5/81)

SEC. 10.25-4. TIME IN WHICH VERIFIED CLAIM MUST BE FILED.

A verified claim must be filed with the department head of the officer or employee within 30 days after the date upon which the damage is alleged to have occurred. (Added by Ord. 90-62, App. 3/28/62)

SEC. 10.25-5. REQUISITES FOR PAYMENT; AVAILABILITY OF FUNDS; CERTIFICATION OF DEPARTMENT HEAD.

Payment under the provisions of this Section shall be made by the Controller when:

- (a) A verified claim has been filed;
- (b) The department head certifies to the Controller that the damage occurred in the line of duty and that the amount certified for payment is fair and reasonable; and
- (c) Funds are available for the purpose. (Added by Ord. 90-62, App. 3/28/62)

SEC. 10.25-6. LIMITATION ON RECOVERY.

Subject to the approval of the Controller and the Board of Supervisors by resolution, the department head of each department specified under Section 10.25-1 may by regulation establish classifications of equipment, property or prostheses that are, in the opinion of such department head, reasonably necessary in the performance of the uniformed officer's or employee's duties and set the maximum amount not to exceed actual value which may be recovered for the replacement or repair of specific items within such classifications. Such department heads shall notify all uniformed officers and employees by periodic informational bulletins or similar means of all

regulations authorized by this Section. (Amended by Ord. 72-81, App. 2/5/81)

SEC. 10.25-7. CONTROLLER TO ESTABLISH RULES AND REGULATIONS.

The Controller shall establish such rules and regulations and devise such forms as he or she deems necessary to carry out the purposes of this Section. Observance of such rules and regulations and the use of such forms shall be binding and obligatory on the claimant and the department head concerned. (Added by Ord. 90-62, App. 3/28/62)

SEC. 10.25-8. CLAIMS FOR DAMAGED OR DESTROYED PROPERTY; NON-UNIFORMED EMPLOYEES.

(a) **Cost of Repair or Replacement.** Officers and employees other than those listed in Section 10.25-1 may recover part or all of the cost of replacing or repairing equipment, property or prostheses which have been damaged or destroyed in the line of duty and without fault of the officer or employee in the manner provided in Sections 10.25-1 through 10.25-7 of this Code, unless otherwise provided in this Section.

(b) **Claims for \$1,000 or Less.** For claims made in the amount of \$1,000 or less, the Controller shall make payment when:

- (1) A verified claim has been filed;
- (2) The department head certifies to the Controller that:
 - (A) The damage occurred in the line of duty, and
 - (B) The amount certified for payment is fair and reasonable; and

(3) Funds are available for the purpose.

(c) **Claims for Over \$1,000.** For claims made in amounts greater than \$1,000, the Controller shall make payment when:

- (1) A verified claim has been filed;
- (2) The department head certifies to the Controller that:
 - (A) The damage occurred in the line of duty,
 - (B) The amount certified for payment is fair and reasonable, and
 - (C) The damage occurred without fault of the officer or employee and was occasioned by unusual

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circumstances or the occurrence of an extraordinary event;

(3) The Controller concurs in the certification of the department head;

(4) That Board of Supervisors approves by resolution payment of all or part of the claim; and

(5) Funds are available for the purpose. (Added by Ord. 478-97, App. 12/30/97)

SEC. 10.25-9. CLAIMS FOR STOLEN PROPERTY; NON-UNIFORMED EMPLOYEES.

(a) **Cost of Replacement.** Officers and employees other than those listed in Section 10.25-1 may recover part or all of the cost of replacing equipment, property or prostheses which have been stolen through no fault of the officer or employee while in the course of his or her duties in the manner provided in Sections 10.25-1 through 10.25-7 of this Code, unless otherwise provided in this Section.

(b) **Claims for \$1,000 or Less.** For claims made for the amount of \$1,000 or less, the Controller shall make payment when:

(1) A verified claim has been filed;

(2) The department head certifies to the Controller that:

(A) The property, equipment or prostheses were necessary to the performance of the duties of the position,

(B) The theft occurred in the course of the officer's or employee's duties, and

(C) The amount certified for payment is fair and reasonable;

(3) Funds are available for the purpose.

(c) **Claims for Over \$1,000.** For claims made for amounts greater than \$1,000, the Controller shall make payment when:

(1) A verified claim has been filed;

(2) The department head certifies to the Controller that:

(A) The property, equipment or prostheses were necessary to the performance of the duties of the position,

(B) The theft occurred in the course of the officer's or employee's duties, and

(C) The amount certified for payment is fair and reasonable;

(3) The Controller concurs in the certification of the department head; and

(4) The Board of Supervisors approves by resolution payment of all or part of the claim; and

(5) Funds are available for the purpose. (Added by Ord. 478-97, App. 12/30/97)

SEC. 10.25-10. AIRPORTS COMMISSION LEGAL PROCEEDINGS.

Notwithstanding any other provision of the Administrative Code, the Airports Commission is authorized to settle, dismiss or compromise any legal proceeding, including, but not limited to, any litigation or adjudicatory or enforcement proceeding before a court, administrative body, federal, State or local enforcement body, hearing officer or arbitrator, brought for or against the City which involves any property or matter under the jurisdiction of the Airports Commission in which the total monetary amount, if any, does not exceed \$100,000, but only upon the recommendation of the City Attorney. (Added by Ord. 216-96, App. 7/3/96; amended by Ord. 90-02, File No. 020268, App. 6/14/2002)

SEC. 10.25-11. AIRPORTS COMMISSION UNLITIGATED CLAIMS.

Notwithstanding any other provision of the Administrative Code, the City Attorney, with the consent of the Airports Commission, is authorized to settle, dismiss or compromise unlitigated claims or demands which involve any property or matter in which the total monetary amount, if any, does not exceed \$100,000. (Added by Ord. 216-96, App. 7/3/96; amended by Ord. 90-02, File No. 020268, App. 6/14/2002)

SEC. 10.25-12. SETTLEMENT OF GRIEVANCE FILED PURSUANT TO VALID MEMORANDA OF UNDERSTANDING.

(a) Notwithstanding any other provision of the Administrative Code, the Human Resources Director is authorized to settle grievances filed pursuant to valid memoranda of understanding in an amount not to exceed \$50,000 for class action grievances, and not to exceed \$50,000 for any individual grievances, or for any individual who is part of a class action settlement. All settlements pursuant to this Section shall require the approval of the City Attorney and certification by

the Controller of the existence of sufficient funds to pay the settlement in the appropriate department budget.

(b) Notwithstanding any other provision of the Administrative Code, appointing officers are authorized to settle grievances filed pursuant to valid memoranda of understanding in an amount not to exceed the equivalent of 45 days of a grieving employee's compensation. All settlements pursuant to this Section shall be in accordance with the policies and procedures of the Department of Human Resources and shall require the approval of the City Attorney and certification by the Controller of the existence of sufficient funds to pay the settlement in the appropriate department budget.

(c) The Human Resources Director shall file with the Board of Supervisors on a quarterly basis, beginning July 15, 1997, for the period of April 1, 1997 through June 30, 1997, a written report identifying and summarizing all settlements approved under the provisions of this Section. (Added by Ord. 96-97, App. 3/21/97; amended by Ord. 390-98, App. 12/24/98)

SEC. 10.26. DEPOSIT OF MONEY RECEIVED.

Any and all money received by any officer, board or commission in the settlement or adjustment of any claim in favor of the City and County shall be forthwith deposited in the treasury of the City and County by the officer, board or commission receiving the same. (Ord. No. 8346 (1939), Sec. 4)

SEC. 10.27. OVERPAYMENT OF SALARY OR WAGES.

Whenever any person whose salary or wage is paid out of the treasury of the City and County has been paid an amount in excess of that which such person was entitled to have received, such person shall, upon the demand of the Controller, pay back into the treasury such excess salary or wage.

In the event the repayment of such excess salary or wage in one payment would cause undue hardship on such person, the Controller may, with the concurrence of the City Attorney, permit the repayment to be made in equal monthly or biweekly installments.

In the event of termination of service of such person before full repayment has been made, such person shall not be paid any of his or her retirement

accumulations or credits, until repayment has been made in full.

The City Attorney is hereby authorized and directed to take such action as may be necessary to effect full recovery of any unpaid amount. (Ord. No. 8346 (1939), Sec. 6)

SEC. 10.27-1. CONTROLLER MAY OFFSET.

The Controller may, in his or her discretion, offset any amount owed to the City and County by a person or entity against any amount owed by the City and County to such person or entity. (Added by Ord. 127-63, App. 5/28/63)

SEC. 10.27-2. CONTROLLER MAY OFFSET—IF AMOUNT OWED IS INSUFFICIENT.

If the amount owed to a person or entity is insufficient to offset all amounts owed by such person or entity to the City and County, the amount available for offset may be applied in such manner as the Controller deems proper. (Added by Ord. 127-63, App. 5/28/63)

SEC. 10.27-3. CONTROLLER MAY OFFSET—WHEN AMOUNT BECOMES PAYABLE.

Whenever an amount against which an offset has been made becomes payable, the Controller may, in his or her discretion, draw a warrant or warrants for the offset amount in favor of the concerned City and County department, board or commission to which the offset money is owed. The balance remaining, if any, may be paid the person or entity to whom due. (Added by Ord. 127-63, App. 5/28/63)

SEC. 10.27-4. CONTROLLER MAY OFFSET—WHEN PERSON FAILS TO BILL FOR PAYMENT.

In event the person or entity against whom an offset has been made is required to bill or otherwise make demand for payment and refuses or neglects to do so, when requested by the Controller, the concerned City and County department, board or commission shall file with the Controller a certificate setting forth the facts and make such billing or demand upon behalf of the person or entity. If approved by the Controller, it shall have the same force and effect as though it were a bill or demand made by the person or entity. (Added by Ord. 127-63, App. 5/28/63)

**SEC. 10.27-5. CONTROLLER MAY
OFFSET—NET AMOUNT.**

The amount due and payable to any person or entity by the City and County is the net amount otherwise owed such person or entity after giving effect to any offset as provided in Sections 10.27-1 to 10.27-4. (Added by Ord. 127-63, App. 5/28/63)

**SEC. 10.27-6. CONTROLLER MAY OFFSET—
SECTION 16.32 NOT ABRIDGED.**

The provisions of Sections 10.27-1 to 10.27-5, inclusive, neither amend nor abridge those of Section 16.32 (Bill No. 1125, Ordinance No. 4.073 (C.S.) No. 5) of this Code. (Added by Ord. 127-63, App. 5/28/63)

**SEC. 10.27-7. CONTROLLER MAY OFFSET—
HEARING.**

Prior to imposing any offset authorized by Sections 10.27 and 10.27-1, the Controller shall inform the person or entity against whose entitlement to money the offset will be asserted that notice has been received from a City and County department, board or commission that the person or entity may owe money to the City and County. The Controller shall notify the person or entity in writing as to the amount and reason for the offset and such person or entity shall be entitled to a hearing by the Controller. If requested by the person or entity, the Controller shall fix a time and place for said hearing and cause all parties to be notified not less than 15 days before the date of such hearing. Each party shall have the right to be represented by counsel, or other person of their choosing, to call and examine witnesses, to impeach any witness regardless of who called said witness to testify, and to rebut adverse evidence. The department, board or commission shall have the burden of proving by a preponderance of the evidence that money is owed to the City and County. Within 15 days following the hearing, the Controller shall issue his or her decision to all parties. (Added by Ord. 313-87, App. 7/17/87)

**SEC. 10.28. SPECIAL COUNSEL FOR
CONTROLLER UPON ACTIONS AGAINST
HIM OR HER BY CITY AND COUNTY.**

Whenever the City Attorney shall commence an

action on behalf of the City and County, or any officer or board thereof, against the Controller, in his or her official capacity, with respect to disputed provisions of the law, the Controller may contract for special counsel out of such funds as may be appropriated or set aside for the purpose of the Board of Supervisors. (Ord. No. 8346 (1939), Sec. 7)

**SEC. 10.28A. CALCULATION AND RECOVERY
OF EMERGENCY RESPONSE EXPENSES.**

The Chief of Police, subject to the approval of the office of the Controller, is hereby authorized and directed to calculate, in accordance with the standards established by Government Code Section 53156, the expense of an emergency response by affected departments of the City and County of San Francisco, and to undertake such efforts as are necessary and reasonable to collect such expense from the person or persons liable therefor. Outstanding debts shall be collected by the Bureau of Delinquent Revenue Collections in accordance with Sections 10.37 through 10.39 of this Code. (Added by Ord. 496-88, App. 11/15/88)

**SEC. 10.28-1. AUTHORIZATION AND
AUTHORITY FOR USE OF PRIVATE
AUTOMOBILES.**

Subject to the fiscal and accounting procedures of the Charter, officers and employees shall be allowed traveling and incidental expenses and compensation for the use of privately owned automobiles in connection with official routine duty or service for or on account of the City and County as provided by this Article.

When funds have been appropriated for such purpose, each elective officer in charge of an administrative office, the Controller, the Mayor or the Mayor's designee and each board or commission may authorize officers and employees within their respective jurisdictions to use privately owned automobiles in connection with any official routine duty or service and to be compensated for such use, on the basis of the actual number of miles traveled, at rates to be established by the Controller. (Ord. No. 4538 (1939), Sec. 1; amended by Ord. 296-00, File No. 001802, App. 12/22/2000)

ARTICLE III: COLLECTION OF TAXES FROM FEDERALLY CONDEMNED LAND

- Sec. 10.29. Acceptance of Sums Paid on Cancellation of Taxes. deposited with the Treasurer for the credit of the general fund of the City and County. (Added by Ord. 147-62, App. 6/7/62)
- Sec. 10.30. Disposition of Moneys Accepted under Provisions of Preceding Section.
- Sec. 10.30-1. In-Lieu Tax Payments Received by Redevelopment Agency.

SEC. 10.29. ACCEPTANCE OF SUMS PAID ON CANCELLATION OF TAXES.

Whenever the United States of America acquires real property in the City and County subsequent to the beginning of any fiscal year and is legally entitled, under the provisions of Section 4986 of the Revenue and Taxation Code of the State of California, to have the taxes on such real property for such fiscal year cancelled, the Tax Collector is hereby authorized to accept such sums as may be paid to him or her on the cancellation of such taxes on such property. (Ord. No. 1909 (1939), Sec. 1)

SEC. 10.30. DISPOSITION OF MONEYS ACCEPTED UNDER PROVISIONS OF PRECEDING SECTION.

All amounts accepted by the Tax Collector under the authority of the preceding section shall be deposited by the Tax Collector to the credit of the general fund, for the account of miscellaneous receipts. (Ord. No. 1909 (1939), Sec. 2)

SEC. 10.30-1. IN-LIEU TAX PAYMENTS RECEIVED BY REDEVELOPMENT AGENCY.

The Tax Collector is hereby authorized and directed, on behalf of the City and County of San Francisco, to accept from the Redevelopment Agency in-lieu tax payments received by the Redevelopment Agency from developers pursuant to disposition agreements for the sale of land in redevelopment projects. The said in-lieu tax payments shall be

ARTICLE IV: ECONOMIC ANALYSIS AND DEVELOPMENT PLANNING

- Sec. 10.31. Office of Economic Analysis.
- Sec. 10.32. Economic Analysis of Legislation.
- Sec. 10.33. Economic Development Plan.

Former Secs. 10.31. through 10.36.

(Ord. No. 4538 (1939), Sec. 1; amended by Ord. 278-96, App. 7/3/96; repealed by Ord. 296-00, File No. 001802, App. 12/22/2000)

SEC. 10.31. OFFICE OF ECONOMIC ANALYSIS.

There shall be an Office of Economic Analysis under the Controller. The office shall consist of two economists and such other staff as provided subject to the budgetary and fiscal provisions of the Charter. The Mayor and the Board of Supervisors may each make recommendations to the Controller from a list of eligible candidates for the economist positions. (Added by Proposition I, 11/2/2004)

SEC. 10.32. ECONOMIC ANALYSIS OF LEGISLATION.

The Office of Economic Analysis ("the Office") shall identify and report on all legislation introduced at the Board of Supervisors that might have a material economic impact on the City, as determined by the Office. The Office shall solicit assistance from the Board of Supervisors' Budget Analyst, the Economic and Workforce Development Department, and such public or private economists or other experts or professionals as may be appropriate to analyze the likely impacts of the legislation on business attraction and retention, job creation, tax and fee revenues to the City, and other matters relating to the overall economic health of the City. Upon implementation of Section 10.33, the Office's analysis shall address whether the proposed legislation would promote or impede the policies contained in the most recent versions of the Economic Development Plan or Survey on Barriers to Employment Retention and Attraction provided for in that Section. The Office

shall submit its analysis to the Board of Supervisors within 30 days of receiving the subject legislation from the Clerk of the Board, unless the President of the Board grants an extension for legislation of unusual scope or complexity. The Office's analysis shall be submitted to the Board of Supervisors prior to the legislation being heard in committee. (Added by Proposition I, 11/2/2004)

SEC. 10.33. ECONOMIC DEVELOPMENT PLAN.

(a) Within six months of the effective date of this Section, the Economic and Workforce Development Department shall prepare and present to the Board of Supervisors for its approval by resolution a long-term Economic Development Plan for the City and County of San Francisco. The plan shall cover a period of not less than three years, and updates shall be prepared no less often than every three years. The Controller's Office of Economic Analysis shall work with the Economic and Workforce Development Department on preparation of the Plan and periodic updates.

(b) The plan and periodic updates shall address, but not be limited to:

(1) Employment in the City, by public and private industries and job classification;

(2) The City's tax revenues, by industry type and firm size;

(3) The industries most likely to create significant numbers of jobs in the City in the period covered by the plan, together with an assessment of the skills and education typically required to obtain such jobs;

(4) Goals for private and non-profit sector job and revenue generation, describing the industries, wage levels, skills and education required for the jobs the City would like to attract, and the anticipated tax revenue these new jobs would create;

(5) Goals and strategies for protecting existing small businesses and neighborhood-serving

businesses from displacement, while also growing new businesses;

(6) Goals and strategies for increasing employment opportunities for people with disabilities and vulnerable populations; and

(7) Any other topic the Economic and Workforce Development Department deems useful or appropriate.

(c) The plan and periodic updates also shall include:

(1) An analysis of the office and industrial markets in the City;

(2) A review of the physical, financial, market and organizational factors impacting the City's ability to attract, retain and increase private and non-profit sector jobs;

(3) Identification and analysis of other significant public and private sector economic plans and initiatives intended to promote economic development within the City and the region;

(4) An assessment of the City's competitive strengths and weaknesses with respect to other regional, state and national markets; and

(5) The identification of best practices that other jurisdictions have successfully implemented to create private and non-profit sector jobs within their respective communities.

(d) As part of the initial plan required by this Section, and concurrent with any periodic update of the plan, the Economic and Workforce Development Department shall conduct a survey of key industries and significant employment generators that identifies impediments to business and employment retention in and attraction to the City, such as changes in zoning or permitted uses, permitting, taxes and fees, regulatory schemes and other City policies, requirements and other matters that may inhibit economic development and job creation within the City. The Economic and Workforce Development Department shall publish the results of the study, to be entitled "Survey on Barriers to Employment Retention and Attraction," in conjunction with and at the same time as promulgation of the first Economic Development Plan required by this Section. (Added by Proposition I, 11/2/2004)

ARTICLE V: BUREAU OF DELINQUENT REVENUE COLLECTION

- Sec. 10.37. Established; to be Under Direction of Tax Collector.
- Sec. 10.38. Reports of Accounts Receivable and Delinquent Taxes to Bureau.
- Sec. 10.39. Bureau to Collect All Claims; Exception of Assigned Claims.
- Sec. 10.39-1. Assignment of Accounts for Purposes of Collection.
- Sec. 10.39-1.1 Contracts to Recover City Funds.
- Sec. 10.39-2. Director of Adult Probation Department to Recover Costs of Incarceration.
- Sec. 10.39-3. Annual Determination of Average Per-Day Costs of Incarceration.
- Sec. 10.39-4. Sheriff's Work Alternative Program Fees.
- Sec. 10.40. Compromise or Abandonment of Claims.
- Sec. 10.40-1 Recovery of Collection Costs.
- Sec. 10.41. Collection of Delinquent Municipally Owned Utility Accounts.
- Sec. 10.41-1. Collection of Social Services, Port, and Airports Commission Accounts, and Accounts of \$300 or Less Held by Other Departments.
- Sec. 10.42. Quarterly Reports.

SEC. 10.37. ESTABLISHED; TO BE UNDER DIRECTION OF TAX COLLECTOR.

A Bureau of Delinquent Revenue Collection is hereby established, the operations of which shall be under the direction and control of the Tax Collector. (Bill No. 662, Ord. No. 9.0231 (C.S.), Sec. 1)

SEC. 10.38. REPORTS OF ACCOUNTS RECEIVABLE AND DELINQUENT TAXES TO BUREAU.

The head of every department and office in the City and County, except municipally owned utilities

under the jurisdiction of the Public Utilities Commission, the Airports Commission, the Department of Social Services, and the Port of San Francisco, shall report to the Bureau of Delinquent Revenue Collection all accounts receivable over \$300 that remain uncollected for a period in excess of 90 days, as shown by the records of each such department or office. Every such account transferred shall identify the name of the person indebted to the City and County, the nature of the indebtedness, the amount involved, the record of contacts by the department with the person indebted, and the fund to which credit is due. The Tax Collector shall report to the Bureau all persons shown by the delinquent tax list of each year as owing unsecured personal property taxes to the City and County. Those accounts not transferred pursuant to this Section shall be dealt with by the respective department in the manner provided in Section 10.41 and 10.41-1 respectively of this Article. (Amended by Ord. 504-83, App. 10/14/83; Ord. 24-88, App. 1/28/88; Ord. 165-88, App. 4/26/88)

SEC. 10.39. BUREAU TO COLLECT ALL CLAIMS; EXCEPTION OF ASSIGNED CLAIMS.

The Bureau of Delinquent Revenue Collection shall energetically prosecute the collection of all claims for money due the several City and County departments and offices when such claims are filed with the bureau, except such claims as are assigned for purposes of collection to a duly licensed collection agency of the State of California by the Board of Supervisors. (Added by Ord. 299-60, App. 6/2/60)

SEC. 10.39-1. ASSIGNMENT OF ACCOUNTS FOR PURPOSES OF COLLECTION.

Upon recommendation of the Bureau of Delinquent Revenue Collection, delinquent accounts may be assigned for purposes of collection by the Board of Supervisors by resolution pursuant to the provisions of Sections 26220, 26221 and 26222 of Government

Code of the State of California. Notwithstanding the foregoing, the Board of Supervisors hereby authorizes the Bureau of Delinquent Revenue Director, with the approval of the Tax Collector and Treasurer, to assign any account receivable that was transferred to it pursuant to this Article, to a duly licensed collection agency for collection when the amount outstanding on the account is \$4,000 or less. The Bureau of Delinquent Revenue Director is authorized to make any and all contracts on behalf of the City and County of San Francisco that are necessary to carry out the terms of this Section. (Added by Ord. 299-60, App. 6/2/60; amended by Ord. 24-88, App. 1/28/88; Ord. 165-88, App. 4/26/88; Ord. 297-00, File No. 001803, App. 12/22/2000)

SEC. 10.39-1.1. CONTRACTS TO RECOVER CITY FUNDS.

With the approval of the Tax Collector and Treasurer, the Director of the Bureau of Delinquent Revenue is authorized to contract with persons or entities having information regarding funds to which the City is entitled for the purpose of recovering such funds. The Director of the Bureau of Delinquent Revenue may enter into such contracts only if: (1) said Director, after exercising due diligence, determines that there is not other practical means for recovering such funds and (2) the payment of any fee or costs to the contractor is made contingent upon the City recovering such funds and shall be payable to said contractor only out of funds actually recovered pursuant to the contract. (Added by Ord. 165-90, App. 5/10/90)

SEC. 10.39-2. DIRECTOR OF ADULT PROBATION DEPARTMENT TO RECOVER COSTS OF INCARCERATION.

The Director of the Adult Probation Department is designated as the county officer of San Francisco responsible for collection of monies ordered by the courts pursuant to Section 1203.1c of the California Penal Code, and shall make inquiry into the ability of the defendant to pay all or a portion of the costs of incarceration, develop a scale for determining a defendant's ability to pay such costs, develop payment schedules, receive payments, and deposit into the general fund through the County Treasurer any funds

determined by a court to be the amounts to be reimbursed by such defendant to the County in a manner in which the court believes reasonable and compatible with the defendant's financial ability.

The Director of the Adult Probation Department shall base the costs of incarceration, including costs of booking, upon a determination made by the Sheriff and approved by the Controller, to be reviewed annually by the Board of Supervisors, of the average per-day costs of incarceration in the County Jail or other local detention facility. The Board of Supervisors may adopt such further legislation as is necessary to effectuate the purpose of this ordinance, but not to repeal the collection of monies pursuant to Section 1203.1c of the California Penal Code. (Enacted by Proposition J, 6/5/84)

SEC. 10.39-3. ANNUAL DETERMINATION OF AVERAGE PER-DAY COSTS OF INCARCERATION.

The Director of the Adult Probation Department, as the county officer designated responsible for the collection of monies pursuant to San Francisco Administrative Code Section 10.39-2 and California Penal Code Section 1203.1c, shall annually base the average per-day costs of incarceration, including the costs of booking, in the County Jail or other local detention facility upon a determination made by the Sheriff and approved by the Controller

For fiscal year 1984-85, the average per-day costs of incarceration are hereby determined to \$48 per day. (Added by Ord. 379-84, App. 8/31/84)

SEC. 10.39-4. SHERIFF'S WORK ALTERNATIVE PROGRAM FEES.

The Sheriff is hereby authorized to assess and collect from all Sheriff's Work Alternative Program (S.W.A.P.) participants a fee which shall not exceed the pro rata cost of administering that program, pursuant to California State Penal Code Section 4024.2. The Sheriff shall make inquiry into the ability of each program participant to pay all or a portion of the costs of participation in S.W.A.P., develop a schedule or formula for determining a participant's ability to pay such costs, develop payment schedules, receive payments, and deposit all funds received into the general fund through the Treasurer.

The Sheriff shall determine the costs of S.W.A.P. participation, which determination shall be approved by the Controller and reviewed annually by the Board of Supervisors.

Nothing contained in this Section shall be deemed to supersede or conflict with any other provisions of this Code for recovering the costs of incarceration in any local detention facilities. (Added by Ord. 153-86, App. 5/2/86)

SEC. 10.40. COMPROMISE OR ABANDONMENT OF CLAIMS.

The Bureau of Delinquent Revenue Collection may, with the approval of the Controller and the consent of the department or office submitting the claim, compromise any claim which may be reported to it for collection and may, with the consent of the Controller, abandon any claim presented to the bureau for collection. Before the collection of any claim is abandoned, the reasons for abandonment and the recommendation of the bureau shall be submitted to the Controller. If the Controller should approve the abandonment of the claim, the department in whose favor the claim exists shall be given credit for the amount thereof, if the amount has been charged against the department. If not so charged, the department shall be released from all liability for the collection of the amount. (Amended by Ord. 168-63, App. 7/16/63)

SEC. 10.40-1. RECOVERY OF COLLECTION COSTS.

The Bureau of Delinquent Revenue Collection is authorized to collect reasonable attorney's fees, collection fees, and other costs incurred in collecting claims for money owed to the City. These costs may be added to the original charge and may be collected from the debtor. (Added by Ord. 297-00, File No. 001803, App. 12/22/2000; amended by Ord. 176-05, File No. 050983, App. 7/29/2005)

SEC. 10.41. COLLECTION OF DELINQUENT MUNICIPALLY OWNED UTILITY ACCOUNTS.

The collection of delinquent revenues and delinquent accounts due to any municipally owned

utility under the jurisdiction of the Public Utilities Commission shall be made in accordance with the provisions of Section 3.598 of the Charter. Accounts due to any such utility and which are delinquent for more than 90 days shall be reported by the head of the utility or by the Manager of Utilities to the Controller. If the head of the utility or the Manager of Utilities is of the opinion that the accounts cannot be collected, they may, with the approval of the Controller, be cancelled. In the event of such cancellation, the utility or the Public Utilities Commission shall no longer be responsible for their collection. (Bill No. 662, Ord. No. 9.0231 (C.S.), Sec. 5)

SEC. 10.41-1. COLLECTION OF SOCIAL SERVICES, PORT, AND AIRPORTS COMMISSION ACCOUNTS, AND ACCOUNTS OF \$300 OR LESS HELD BY OTHER DEPARTMENTS.

The collection of delinquent revenues and delinquent accounts due to the Department of Social Services, the Port of San Francisco or the Airports Commission and accounts in amounts of \$300 or less held by any other department, shall be made by those departments. Accounts due to any such department and which are delinquent for more than 90 days shall be reported by the department head to the Controller; and if the department head is of the opinion that the accounts cannot be collected, they may, with the approval of the Controller, be cancelled and in the event of such cancellation, the department shall no longer be responsible for their collection. (Amended by Ord. 504-83, App. 10/14/83; Ord. 24-88, App. 1/28/88; Ord. 165-88, App. 4/26/88)

SEC. 10.42. QUARTERLY REPORTS.

The Bureau of Delinquent Revenue Collection shall make quarterly reports to the Board of Supervisors showing the total number of claims submitted to the Bureau during the preceding quarter, as well as the amount collected on such claims. (Bill No. 662, Ord. No. 9.0231 (C.S.), Sec. 6)

ARTICLE VI: REFUND OF ERRONEOUSLY COLLECTED MONEY

- Sec. 10.43. Procedure on Application for Refund of Fees.
- Sec. 10.43-1. Procedure on Application for Refund of Fees—Time for Presentation of Claims.
- Sec. 10.43-1.1. Procedure on Application for Refund of Fees—Itemization and Verifications of Claims.
- Sec. 10.43-1.2. Procedure on Application for Refund of Fees—Approved by Department.
- Sec. 10.43-1.3. Procedure on Application for Refund of Fees—Claims Returned for Correction.
- Sec. 10.43-1.4. Procedure on Application for Refund of Fees—Audit by Controller.
- Sec. 10.43-1.5. Procedure on Application for Refund of Fees—Disapproved by Controller; Claimant to be Notified.
- Sec. 10.43-1.6. Procedure on Application for Refund of Fees—Exceptions.

SEC. 10.43. PROCEDURE ON APPLICATION FOR REFUND OF FEES.

Any fees, or amounts imposed for licenses, or penalties, costs or deposits, or fees for buildings permits, hereafter paid to any department, board or commission of the City and County may be refunded as hereinafter set forth; provided, that such payment was made by reason of:

- (a) Duplicate payment;
- (b) Payment made in excess of the actual amount due;
- (c) Payment erroneously collected by reason of a clerical error of the department, board or commission;
- (d) In the case of permits issued by the Central Permit Bureau and provided in the Building Code and where no work has been performed under the permit by the permittee, and where the project has been

abandoned due to causes beyond the permittee's control, or where such permit has been cancelled or denied by the department, board or commission having jurisdiction; and

(e) Penalty payment collected by Central Permit Bureau and reduced in amount by action of the Board of Appeals. (Amended by Ord. 109-61, App. 5/18/61; Ord. 315, File No. 001910, App. 12/28/2000)

SEC. 10.43-1. PROCEDURE ON APPLICATION FOR REFUND OF FEES—TIME FOR PRESENTATION OF CLAIMS.

Claims for refund under Section 10.43 shall be presented and filed with the head of the department, board or commission originally receiving such money within six months after the last item of the account or claim accrued. Filing of a claim pursuant to this Article shall not alter the rights or obligations of the claimant or the City and County with respect to the filing of a claim pursuant to Article II of this Chapter or State law governing claims against public entities. (Amended by Ord. 109-61, App. 5/18/61; Ord. 315, File No. 001910, App. 12/28/2000)

SEC. 10.43-1.1. PROCEDURE ON APPLICATION FOR REFUND OF FEES—ITEMIZATION AND VERIFICATIONS OF CLAIMS.

Claims for refund shall be itemized, giving names, addresses, dates and particulars relative to the payment or deposit of the money therefor and all other details necessary to a full consideration of the merit and legality of such claim, and shall state that the amount claimed is justly due and that it is presented and filed within the time prescribed with the head of the department, board or commission originally receiving the money.

Such claim shall be sworn to before an officer authorized to administer oaths, and shall be made by the person who paid the money, or his or her authorized agent, or by his or her guardian, or in case

of his or her death, by his or her executor or administrator. (Added by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1.2. PROCEDURE ON APPLICATION FOR REFUND OF FEES—APPROVED BY DEPARTMENT.

Such verified claim shall be examined by the head of the department, board or commission originally collecting the fees, or amounts imposed for licenses, or penalties, costs or deposits. When such verified claim shall be found to be correct in all details the head of the department, board or commission shall execute such forms as prescribed by the Controller, attach thereto the verified claim for refund and transmit the same to the Controller. (Added by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1.3. PROCEDURE ON APPLICATION FOR REFUND OF FEES—CLAIMS RETURNED FOR CORRECTION.

When any claim for refund which has been presented and filed is ascertained to be incomplete or incorrect in one or more details, the head of the department, board or commission must withhold his or her approval of same and shall cause written notice to be given the claimant of that fact, and shall allow the claimant 30 days from the date of the notice to have the claim completed or corrected and reverified. Should the claimant not do so within the time prescribed, the claim shall be disapproved. Subsequent to such disapproval, the head of the department, board or commission shall notify the claimant in writing of such fact and reason therefor. (Added by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1.4. PROCEDURE ON APPLICATION FOR REFUND OF FEES—AUDIT BY CONTROLLER.

The Controller shall audit such approved claim for refund. If the Controller ascertains the same to be correct and proper in all particulars, he or she shall draw and approve a warrant therefor payable to the person who paid the money, or his or her guardian, or in case of his or her death, to his or her executor or administrator. (Added by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1.5. PROCEDURE ON APPLICATION FOR REFUND OF FEES—DISAPPROVED BY CONTROLLER; CLAIMANT TO BE NOTIFIED.

When in the Controller's opinion, such claim is not legal, or if all proceedings required incidental to such payment have not been followed, the Controller shall withhold approval and shall return the claim to the department, board or commission concerned with a statement of his or her action thereon and reason therefor. The head of the department, board or commission, upon receipt of the same, must notify the claimant in writing of the fact of the Controller's action and the reason therefor. (Added by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1.6. PROCEDURE ON APPLICATION FOR REFUND OF FEES—EXCEPTIONS.

This Article shall not apply to claim for refund of money paid or deposited by reason of property taxes, real estate taxes, improvement taxes, personal property taxes, hotel taxes, parking taxes, business taxes, special taxes, special assessment district levies, or any other tax imposed or collected by the City and County.. (Added by Ord. 109-61, App. 5/18/61; amended by Ord. 315, File No. 001910, App. 12/28/2000)

Sec. 10.43-1.7,
(Added by Ord. 109-61, App. 5/18/61; repealed by Ord. 315, File No. 001910, App. 12/28/2000)

Sec. 10.43-5.
(Added by Ord. 619-59, App. 12/1/59; amended by Ord. 278-96, App. 7/3/96; amended and renumbered as Sec. 4.23 by Ord. 315, File No. 001910, App. 12/28/2000)

ARTICLE VII: DISPOSITION OF UNIDENTIFIED TAX COLLECTIONS

- Sec. 10.44. Deposit with Treasurer; Separate Account in General Fund.
Sec. 10.45. Credit and Transfer of Identified Funds.
Sec. 10.46. Escheat of Funds Unidentified for Three Years.

SEC. 10.44. DEPOSIT WITH TREASURER; SEPARATE ACCOUNT IN GENERAL FUND.

All unidentified tax collections shall be deposited by the Tax Collector with the Treasurer and the Controller shall maintain a separate accounting thereof within the General Fund. (Ord. No. 525 (1939), Sec. 1)

SEC. 10.45. CREDIT AND TRANSFER OF IDENTIFIED FUNDS.

Whenever the identity of a tax collection deposited as provided by the preceding Section is established, the proper account shall be credited and the Controller is hereby authorized to make the necessary transfer of funds. (Ord. No. 525 (1939), Sec. 2)

SEC. 10.46. ESCHEAT OF FUNDS UNIDENTIFIED FOR THREE YEARS.

All tax collections remaining unidentified for a period of 3 years shall escheat to the City and County in accordance with the provisions of Sections 50050 to 50053 of Government Code, State of California. (Ord. No. 525 (1939), Sec. 4; amended by Ord. 298-00, File No. 001804, App. 12/22/2000)

ARTICLE VIII: FISCAL AGENT FOR BOND PAYMENTS IN NEW YORK

- Sec. 10.47. Appointment of Fiscal Agent.
- Sec. 10.48. Payment of Agent.
- Sec. 10.49. Procedure for Payment; Agent's Bond.
- Sec. 10.49-1. Payment of Lost or Destroyed Bond Coupons.
- Sec. 10.49-2. Indemnity Agreement and Account to be Charged.
- Sec. 10.49-5. Clearing House Representative.

SEC. 10.47. APPOINTMENT OF FISCAL AGENT.

The Treasurer of the City and County may appoint a fiscal agent or agents to serve the City and County of San Francisco for the purpose of paying and providing for the payment in the City of New York of the principal and interest due and to become due upon the outstanding bonds heretofore or hereafter issued by the City and County. (Ord. No. 1184 (1939), Sec. 1; amended by Ord. 333-00, File No. 002020, App. 12/28/2000)

SEC. 10.48. PAYMENT OF AGENT.

A fiscal agent appointed by the Treasurer shall be reimbursed for payment of bonds and coupons in accordance with a fee schedule to be established by the Treasurer of the City and County and approved by the Controller of said City and County. Said Treasurer is hereby authorized and empowered to establish said fee schedule, a copy of which shall be filed with the Board of Supervisors. The Treasurer shall immediately advise the Board of Supervisors in writing of any change in said fee schedule. (Amended by Ord. 244-68, App. 8/17/68; Ord. 333-00, File No. 002020, App. 12/28/2000)

SEC. 10.49. PROCEDURE FOR PAYMENT; AGENT'S BOND.

The Treasurer of the City and County may determine the time at which and the manner in which the amounts to become due as provided in the

preceding section shall be paid, as well as to how and when the fiscal agent shall be reimbursed for any and all moneys paid out by the fiscal agent in the payment of any coupon or bond. The Treasurer is authorized to require a bond from the fiscal agent for the faithful performance of its duties and for the payment of any moneys which may become due from the fiscal agent to the City and County, the amount and terms of such bond to be approved by the Treasurer, and the premium thereon to be paid by the City and County. (Ord. No. 1184 (1939), Sec. 3; amended by Ord. 333-00, File No. 002020, App. 12/28/2000)

SEC. 10.49-1. PAYMENT OF LOST OR DESTROYED BOND COUPONS.

The Treasurer is authorized to pay amounts due on lost or destroyed bond coupons upon the filing, within the period allowed by the statute of limitations, of an affidavit under oath by the owner of the coupon on its due date, setting forth all material facts relative to the loss or destruction, and presentation of the bond to which such coupon was attached, in accordance with forms and procedures established by the Controller. (Added by Ord. 307-60, App. 6/15/60)

SEC. 10.49-2. INDEMNITY AGREEMENT AND ACCOUNT TO BE CHARGED.

The requisite affidavit for payment of any lost or destroyed bond coupon shall contain an agreement to indemnify the City and County for any loss resulting from duplicate payment of such coupon, which duplicate payment, if occurring, shall be charged against the bond interest and redemption reserve. (Added by Ord. 307-60, App. 6/15/60)

SEC. 10.49-5. CLEARING HOUSE REPRESENTATIVE.

Any bank doing business with the City and County may be designated by the Controller and the Treasurer as the clearing house representative for the City and County. (Amended by Ord. 66-76, App. 3/12/76)

ARTICLE IX: SALE OF TRUST SECURITIES

- Sec. 10.50. Sale Authorized.
- Sec. 10.51. Fixing Price.
- Sec. 10.52. Notice of Sale; Procedure at Auction or Private Sale.
- Sec. 10.53. Approval of Minimum Sales Price.
- Sec. 10.54. Expense of Sale.
- Sec. 10.55. Article Not Applicable to Retirement System Securities.
- Sec. 10.56. Endorsement by Mayor.

SEC. 10.50. SALE AUTHORIZED.

Stocks, bonds or other securities received by any board, commission or officer, by donation, gift, devise, bequest or purchase and held by such board, commission or officer in trust for a special purpose for the benefit of the City and County or for the benefit of any of its departments may, on the recommendation of the officer, board or commission charged with the control or administration of such trust property or funds, be sold by the Treasurer of the City and County as provided by this Article. (Ord. No. 2754 (1939), Sec. 1)

SEC. 10.51. FIXING PRICE.

When any board, commission or officer shall in writing or by resolution of the board or commission, request the Treasurer of the City and County to sell any stocks, bonds or other securities received or held by the board, commission or officer in trust for a specific purpose for the benefit of the City and County, the board, commission or officer shall fix the price at which such stocks, bonds or other securities shall be sold, and notify the Treasurer to sell the same at a price at not less than the price fixed by the board, commission or officer. (Ord. No. 2754 (1939), Sec. 2)

SEC. 10.52. NOTICE OF SALE; PROCEDURE AT AUCTION OR PRIVATE SALE.

Upon receiving the notification from the board,

commission or officer, it shall be the duty of the Treasurer to offer the stocks, bonds or other securities for sale, either at public auction or at private sale. The Treasurer shall, within five days prior to the making of the sale, publish a notice of the sale once in the official newspaper of the City and County. If the sale is to be at public auction, the notice shall contain the time and place of the sale. If at private sale, the notice shall contain the time and place when bids or offers for the stocks, bonds or other securities will be received. If the sale is made at public auction, the Treasurer shall sell the stocks, bonds or other securities to the highest and best bidder therefor. If sold at private sale, the Treasurer shall accept the highest bid or offer received therefor; provided, that no bid shall be accepted in an amount lower than the amount specified by the board, commission or officer requesting the sale.

It is provided, however, that when stocks, bonds or securities are listed on an established stock or bond exchange, no notice of sale need be given and sale may be made through any bank or broker, through any recognized stock exchange; and also provided, that such stocks, bonds or securities are not sold below the price fixed by the board, commission or officer requesting such sale. (Ord. No. 2754 (1939), Sec. 3)

SEC. 10.53. APPROVAL OF MINIMUM SALES PRICE.

Whenever any board, commission or officer shall request the Treasurer to sell any stocks, bonds or other securities held by or under the jurisdiction of the board, commission or officer—and the board, commission or officer shall fix a price below which the stocks, bonds or other securities shall not be sold—such stocks, bonds or other securities shall not be offered for sale or sold, until such price is approved by the Controller. (Ord. No. 2754 (1939), Sec. 4; amended by Ord. 370-87, App. 9/11/87)

SEC. 10.54. EXPENSE OF SALE.

All expenses incurred in the matter of the sale of any stocks, bonds or other securities offered for sale or sold as provided by this Article shall be paid from the proceeds of the sale of the same or by the department requesting the sale of the same. (Ord. No. 2754 (1939), Sec. 5)

SEC. 10.55. ARTICLE NOT APPLICABLE TO RETIREMENT SYSTEM SECURITIES.

The provisions of the Article shall not apply to any sale of stocks, bonds or other securities held or to be sold by or for the City and County Employees' Retirement System (Ord. No. 2754 (1939), Sec. 6)

SEC. 10.56. ENDORSEMENT BY MAYOR.

Whenever the Treasurer shall sell any stocks, bonds or other securities, as provided in this Article, and whenever any of such bonds, stocks or other securities stand in the name of the City and County with the endorsement of the City and County being necessary in order to transfer the stocks, bonds or other securities, the Mayor is hereby authorized to endorse the same for and on behalf of the City and County; and to take all other actions which may be necessary in order that the stocks may be transferred to the purchaser thereof when sold by the Treasurer, in accordance with the provisions of this Article. (Res. No. 4111 (1939))

ARTICLE X: [RESERVED]

Sec. 10.57.

(Ord. No. 2084 (1939); repealed by Ord. 292-00, File No. 001721, App. 12/22/2000)

Sec. 10.57A.

(Added by Ord. 50-83, App. 2/4/83; repealed by Ord. 292-00, File No. 001721, App. 12/22/2000)

Secs. 10.58 through 10.69.

(Ord. No. 2084 (1939); repealed by Ord. 292-00, File No. 001721, App. 12/22/2000)

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**ARTICLE XI: NUMBERING OF LOTS AND BLOCKS
FOR ASSESSMENT PURPOSES**

- Sec. 10.70. Formulation of System of
Numbering Lots and Blocks;
Preparation of Maps.
- Sec. 10.71. Lot and Block Numbers to be
Written on Assessment Rolls.
- Sec. 10.72. Changes in Map and Block Books.
- Sec. 10.73. Filing of Copies of Block Books.

**SEC. 10.70. FORMULATION OF SYSTEM
OF NUMBERING LOTS AND BLOCKS;
PREPARATION OF MAPS.**

The City and County Assessor-Recorder and the City Engineer are hereby authorized to prepare and formulate a system of assessing the lots and blocks and lands in the City and County by a lot number and block number. They are hereby authorized to make and compile maps, indexes and map books from existing maps now used by the Assessor-Recorder, and to renumber the blocks, and to give a lot number or lot letter, or combined number and letter, to each lot or parcel of land as shown on the Assessor-Recorder's block books. (Ord. No. 2511 (N.S.), Sec. 1; amended by Ord. 299-00, File No. 001805, App. 12/22/2000)

**SEC. 10.71. LOT AND BLOCK NUMBERS
TO BE WRITTEN ON ASSESSMENT ROLLS.**

The Assessor-Recorder is hereby authorized and directed, commencing with the assessment rolls for the fiscal year 1914-1915, to write the real estate assessment rolls identifying each parcel of land by lot and block number, or tract number, as delineated on the map and block book prepared as provided by the preceding section. (Ord. No. 2511 (N.S.), Sec. 2; amended by Ord. 299-00, File No. 001805, App. 12/22/2000)

**SEC. 10.72. CHANGES IN MAP AND BLOCK
BOOKS.**

The Assessor-Recorder is hereby authorized to make the necessary changes in the map and block books from year to year as may be required to meet conditions imposed by the cutting up of present lots or parcels of land or platting of acres or changing of ownership. (Ord. No. 2511 (N.S.) Sec. 3; amended by Ord. 299-00, File No. 001805, App. 12/22/2000)

**SEC. 10.73. FILING OF COPIES OF BLOCK
BOOKS.**

A copy of the block books shall be filed in the office of the Assessor-Recorder. Such copy may be a photocopy of the block books of the Assessor-Recorder, as they exist on the lien date for the property identified in the recorded document. (Ord. No. 2511 (N.S.), Sec. 4; amended by Ord. 299-00, File No. 001805, App. 12/22/2000)

ARTICLE XII: [RESERVED]

Secs. 10.74 through 10.77.

(Amended by Ord. 293-86, App. 7/3/86; repealed by
Ord. 300-00, File No. 001806, App. 12/22/2000)

Sec. 10.78.

(Ord. No. 10036 (1939), Sec. 5; repealed by Ord.
300-00, File No. 001806, App. 12/22/2000)

ARTICLE XIII: FUNDS

Editor's note: Ordinance 316-00, File Number 001911, Approved December 28, 2000, repealed this article in its entirety and enacted the following provisions. Many of the current provisions are similar to former repealed sections; however, because the enacting ordinance repealed those sections instead of amending and renumbering them, their legislative histories have not been retained for those sections. The code user should therefore refer to Appendices A and B to this chapter, which set forth a disposition table for the superseded similar code sections and a derivation table for the current provisions, for information regarding the prior placement of the repealed provisions. The code user should also note that not all current sections have corresponding former provisions. Legislative histories of those repealed sections are located in their proper place in the text of this article.

Sec. 10.80-1.	Establishment and Purpose—Treasury Oversight Committee.	Sec. 10.100-23.	Animal Care and Control Welfare Fund.
Sec. 10.80-2.	Treasury Oversight Committee—Duties.	Sec. 10.100-28.	Art Commission Market Street Art Maintenance Account.
Sec. 10.80-3.	Treasury Oversight Committee Composition.	Sec. 10.100-30.	Art Commission Public Arts Fund.
Sec. 10.80-4.	County Treasury Oversight Committee—Term of Office.	Sec. 10.100-32.	Arts Commission Street Artist Fund.
Sec. 10.80-5.	County Treasury Oversight Committee—Costs.	Sec. 10.100-34.	Art Commission Youth Arts Account.
Sec. 10.81.	Monies and Securities in Treasury.	Sec. 10.100-40.	Board of Supervisors Outreach Advertising Revenue Fund.
Sec. 10.82.	“Cash Difference Fund” and “Overage Fund.”	Sec. 10.100-45.	Building Inspection Fund.
Sec. 10.83.	Counterfeit Monies.	Sec. 10.100-50.	County Surveyor’s Survey Monument Preservation Fund.
Sec. 10.84.	Deposits of Proceeds of Sale of City/County-Owned Personal Property, Sale of Vintage Transit Equipment.	Sec. 10.100-55.	District Attorney Environmental Prosecution Fund.
Sec. 10.85.	Funds from Veterans’ Administration—Liability of City.	Sec. 10.100-57.	District Attorney Family Support Bureau’s Tax Intercept Program Revolving Fund.
Sec. 10.86.	Public Health Payment of Certain Medical Services Claims from Funds Obtained through the Cigarette and Tobacco Surtax Initiative.	Sec. 10.100-60.	District Attorney State Forfeiture Fund.
Sec. 10.87.	Declaration of Interest in Peace Officer Standards and Training Funds.	Sec. 10.100-67.	Emergency Communications 911 Emergency Response Fund.
Sec. 10.100-1.	Administration of Special Funds.	Sec. 10.100-75.	Human Resources Examination Research and Development Fund.
Sec. 10.100-5.	Administrative Services Convention Facilities Fund.	Sec. 10.100-77.	Human Services Care Fund.
Sec. 10.100-7.	Administrative Services Mandatory Refuse Collection Service Fund.	Sec. 10.100-85.	Library Construction Fund.
Sec. 10.100-9.	Administrative Services Vehicle Leasing Program Fund.	Sec. 10.100-88.	Library Special Collections and Services Fund.
Sec. 10.100-18.	Airport Promotion and Event Fund.	Sec. 10.100-95.	Mayor’s Community Support Fund.
		Sec. 10.100-97.	Mayor’s Convention Promotion and Services Fund.
		Sec. 10.100-100.	Mayor’s Earthquake Emergency Relief Fund.
		Sec. 10.100-102.	Mayor’s Emergency Mercy Fund.
		Sec. 10.100-104.	Mayor’s Excelsior Youth Center Fund.

- Sec. 10.100-106. Mayor's Fund for the Homeless.
- Sec. 10.100-108. Mayor's Home Ownership Assistance Loan Fund.
- Sec. 10.100-110. Mayor's Housing Affordability Fund.
- Sec. 10.100-114. Mayor's Neighborhood Beautification and Graffiti Clean-Up Fund.
- Sec. 10.100-117. Mayor's Office of Housing Programs Fees Fund.
- Sec. 10.100-119. Mayor's Performing Arts Loan Fund.
- Sec. 10.100-121. Mayor's Protocol and Host Fund.
- Sec. 10.100-125. Mayor's San Francisco Arts Wall of Fame Fund.
- Sec. 10.100-127. Mayor's Sister-City Committee Fund.
- Sec. 10.100-129. Mayor's Small Business Revolving Loan Fund.
- Sec. 10.100-131. Mayor's Supportive Housing Service Fund.
- Sec. 10.100-136. Mayor's Urban Development Action Grant Revolving Fund.
- Sec. 10.100-138. Mayor's Voluntary Arts Contributions Fund.
- Sec. 10.100-150. Medical Examiner's Peace Officers' Training Fund.
- Sec. 10.100-155. Municipal Transportation Capital Reserve Fund.
- Sec. 10.100-157. Municipal Transportation Improvement Fund.
- Sec. 10.100-159. Municipal Transportation Information Fund.
- Sec. 10.100-162. Municipal Transportation Operators Lounge Facilities Fund.
- Sec. 10.100-164. Municipal Transportation Para Transit Fund.
- Sec. 10.100-166. Planning Code Enforcement Fund.
- Sec. 10.100-170. Police Criminalistics Laboratory Fund.
- Sec. 10.100-174. Police Fingerprint Processing Fund.
- Sec. 10.100-176. Police Hall of Justice Gymnasium Fund.
- Sec. 10.100-180. Police Officers' Training Fund.
- Sec. 10.100-182. Police Project Safe Fund.
- Sec. 10.100-185. Police Vehicle Theft Crimes Fund.
- Sec. 10.100-195. Public Health Emergency Medical Services Fund.
- Sec. 10.100-198. Public Health Environmental Enforcement Fund.
- Sec. 10.100-201. Public Health Gift Funds.
- Sec. 10.100-207. Public Health Laboratory Fund.
- Sec. 10.100-209. Public Health Laguna Honda Home Trust Fund.
- Sec. 10.100-211. Public Health Laguna Honda Home Workshop Fund.
- Sec. 10.100-215. Public Health San Francisco General Hospital Trust Fund.
- Sec. 10.100-218. Public Health Tobacco Settlement Revenue Fund.
- Sec. 10.100-221. Public Health Substance Abuse and Crime Prevention Act Trust Fund.
- Sec. 10.100-227. Public Works Adopt-a-tree Fund.
- Sec. 10.100-230. Public Works Excavation Fund.
- Sec. 10.100-233. Public Works Litter Control Fund.
- Sec. 10.100-234. Public Works Littering, Nuisance and Graffiti Violation Reward Fund.
- Sec. 10.100-236. Public Works Nuisance Abatement and Removal Fund.
- Sec. 10.100-239. Public Works Street Damage Restoration Fund.
- Sec. 10.100-247. Recreation and Parks Animal Purchase and Exchange Fund.
- Sec. 10.100-249. Recreation and Parks Chinatown Open Space Fund.
- Sec. 10.100-251. Recreation and Parks Dolphin Club Fund.
- Sec. 10.100-253. Recreation and Parks Fish and Game Propagation Fund.
- Sec. 10.100-255. Recreation and Parks Golden Gate Pavilion Fund.
- Sec. 10.100-256. San Francisco Recreation and Parks Golf Fund.
- Sec. 10.100-261. Recreation and Parks Information and Publication Fund.
- Sec. 10.100-270. Residential Rent Stabilization and Arbitration Fund.
- Sec. 10.100-280. San Francisco Automated County Warrant System.
- Sec. 10.100-282. San Francisco Automated Fingerprint Identification Fund.

- Sec. 10.100-288. San Francisco Children and Families Trust Fund.
- Sec. 10.100-290. San Francisco City Services Preservation Fund.
- Sec. 10.100-292. San Francisco Department Awards Funds.
- Sec. 10.100-295. San Francisco Dispute Resolution Program Fund.
- Sec. 10.100-297. San Francisco Film Production Fund.
- Sec. 10.100-299. San Francisco Gas Tax Street Improvement Fund.
- Sec. 10.100-305. San Francisco Gift Funds.
- Sec. 10.100-307. San Francisco Museums Admission Special Revenue Fund.
- Sec. 10.100-310. San Francisco Narcotics Forfeiture and Asset Seizure Fund.
- Sec. 10.100-315. San Francisco Seismic Safety Loan Fund.
- Sec. 10.100-320. San Francisco Vital and Health Statistics Trust Fund.
- Sec. 10.100-327. Sheriff's Deputies Training Fund.
- Sec. 10.100-329. Sheriff's County Jail Prisoners Welfare Fund.
- Sec. 10.100-331. Sheriff's Special Maintenance Fund.
- Sec. 10.100-336. Status of Women Domestic Violence Program Fund.
- Sec. 10.100-341. Telecommunications and Information Services Cable Television Access Development and Programming Fund.
- Sec. 10.100-347. Treasurer's Working Families Credit Fund.
- Sec. 10.100-346. Treasurer's Deferred Payment of Settlement Trust Fund.
- Sec. 10.100-351. Trial Courts Courthouse Children's Waiting Rooms Fund.
- Sec. 10.100-353. Trial Courts Courthouse Construction Fund.
- Sec. 10.100-357. War Memorial Maintenance and Capital Improvement Fund.
- Sec. 10.100-359. War Memorial Reserve Fund.
- Sec. 10.100-361. War Memorial Special Fund.
- Sec. 10.100-366. Water Department Revenue Fund.
- Sec. 10.100-367. Child Care Planning and Advisory Fund.
- Sec. 10.100-368. Public Education Special Fund.

- Sec. 10.100-369. Octavia Boulevard Special Fund.
- Appendix A: Disposition Table
- Appendix B: Derivation Table

Sec. 10.79.
(Amended by Ord. 352-64, App. 12/29/64; orig. Res. 27-58 codified by Ord. 193-74, App. 4/18/74; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.79-1.
(Added by Ord. 30-65, App. 2/5/65; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.79-2.
(Amended by Ord. 34-72, App. 34-72; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.79-3. (Resolution No. 27-58, App. 1/15/58; codified by Ord. 193-74, App. 4/18/74; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.79-4. through 10.79-8.
(Added by Ord. 125-97, App. 4/9/97; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.80.
(Bill No. 746, Ord. No. 9.0431 (C.S.), Secs. 1, 2; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.80-1. ESTABLISHMENT AND PURPOSE—TREASURY OVERSIGHT COMMITTEE.

(a) **Establishment.** A Treasury Oversight Committee for the City and County of San Francisco (referred to hereafter in this Chapter as "Committee") is hereby established as an advisory body to the Treasurer. The Committee shall consist of five members. The members of the Committee shall be nominated by the Treasurer and confirmed by and serve at the pleasure of the Board of Supervisors.

(b) **Purpose.** The Committee is established to involve depositors of funds into the City and County Treasury in reviewing the policies for investment of surplus funds that guide the management of their funds and to enhance the security and investment return on those funds by providing a more stable and predictable balance for investment by establishing criteria for the withdrawal of funds. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.80-2. TREASURY OVERSIGHT COMMITTEE—DUTIES.

The duties of the Committee shall be the following: (a) Review and monitor the investment policy described in Government Code Section 27933 and annually prepared by the County Treasurer; (b) Cause an annual audit to be conducted to determine the Treasurer's compliance with Government Code Article 6 including Sections 27930 through 27137 and with this ordinance. The audit may examine the structure of the investment portfolio and risk; (c) Nothing herein shall be construed to allow the Committee to direct individual decisions, select individual investment advisors, brokers, or dealers, or impinge on the day-to-day operations of the Treasurer. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.80-3. TREASURY OVERSIGHT COMMITTEE—COMPOSITION.

(a) **Composition of Committee.** The Committee shall consist of members drawn from the following:

- (1) The County Treasurer;
- (2) The County Controller;
- (3) A representative appointed by the Board of Supervisors;
- (4) The County Superintendent of Schools or his/her designee;
- (5) The Chancellor of the Community College District or his/her designee;
- (6) Members of the public:
 - (A) A majority of which shall have expertise in, or an academic background in, public finance, and
 - (B) The combination of whom shall be economically diverse and bipartisan in political registration.

(b) **Conditions for Membership.**

- (1) A member of the Committee may not be employed by an entity that had contributed to a reelection campaign of the Treasurer or a member of the Board of Supervisors in the previous three years.
- (2) A Committee member may not directly or indirectly raise money for the County Treasurer or a member of the Board of Supervisors while a member of the Committee.
- (3) A Committee member may not secure employment with bond underwriters, bond counsel,

security brokerages or dealers, or with financial services firms for three years after leaving the Committee. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.80-4. COUNTY TREASURY OVERSIGHT COMMITTEE—TERM OF OFFICE.

Each member of the Committee shall serve for a term of four years. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.80-5. COUNTY TREASURY OVERSIGHT COMMITTEE—COSTS.

The cost of complying with the requirements of this ordinance, including the cost of establishing and maintaining the Committee and of the audit shall be County charges and may be included with those charges enumerated under Government Code Section 27013. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.81. MONIES AND SECURITIES IN TREASURY.

No officer, employee, department or agency of the City and County shall open a bank account or any other public time and public demand account for any monies or checks received for, or in connection with, the business of the City and County, without the express prior written consent of the Treasurer.

Monies and securities in possession of the Treasurer shall be deposited in a custody safe, the combination to which shall be known only to the Treasurer or to employees selected by him or her. The safe shall be opened only in the presence of two or more employees of the Treasurer. A complete record of monies and securities in the custody safe shall be kept and any additions or withdrawals shall be verified by the initials of the Treasurer or his or her designated employees.

The Treasurer is authorized to establish rules and regulations for the safe custody of all money and property in the possession or under the control of the Treasurer. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000. Former Sec. 10.81 added by Resolution No. 3469 (C.S.), repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.81-1.

(Added by Ord. 90-86, App. 3/21/86; amended by Ord. 200-98, App. 6/19/98; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.82. "CASH DIFFERENCE FUND" AND "OVERAGE FUND."

"Cash Difference Fund" Created. There is hereby created a "Cash Difference Fund."

"Overage Fund" Created. There is hereby created an "Overage Fund," in which all cash overages shall be deposited.

Drawing Warrants; Use to Eliminate Cash Deficits Only. The Controller is hereby authorized and he or she shall draw a warrant in favor of the Treasurer for such amounts as may be appropriated for this purpose. The Treasurer shall use such funds only to eliminate cash deficits as herein provided.

Reports of Cash Deficits and Overage. Any employee of the departments, or officers enumerated herein, who receives and disburses money placed in his or her custody as directed by law or by official authority, shall render a written report, through his or her respective department head, to the Treasurer at the close of each business day, setting forth the exact sum of any cash deficit or overage in his or her account for that day. Failure to report any cash deficit or overage at the close of the business day in which it occurred is a violation of this Section.

Elimination of Deficit. When a cash deficit is reported to the Treasurer, as herein provided, he or she shall provide the amount required to eliminate such cash deficit; provided, that the amount thereof shall not exceed the amount available in the Cash Difference Fund.

Deposits of Overage. When an overage is reported to the Treasurer the amount thereof shall be immediately deposited in the Cash Overage Fund in the treasury. The balance in the Cash Overage Fund at the end of the fiscal year shall revert to the General Fund.

Reports and Statements. On or before the 10th day of each calendar month the Treasurer shall file with the Board of Supervisors and the Controller a statement covering the preceding calendar month, itemizing each cash deficit as to amount, date of occurrence and the name and civil service classification of each person whose account was reimbursed

from the Cash Difference Fund, together with any additional information as may be required by the Board of Supervisors or by the Controller.

The statement shall likewise itemize each item of overage occurring in the same preceding calendar month.

Application of Section. This Section shall apply to the employees of the following: Treasurer's office; Assessor's office; Tax Collector's office; Redemption Officer; the Clerk of the Trial Courts; Police Department employees who are specifically assigned to the receiving of funds; Department of Public Health, Bureau of Accounts, who are acting as cashiers; Office of Animal Care and Control; Department of Parking and Traffic; The Public Utilities Commission Customer Service Bureau.

Treasurer's Disallowance of Deficits. The Treasurer, for good reason, may return disallowed any deficit report. Such disallowed report may be referred to the Board of Supervisors for its determination.

Rules and Regulations. The Treasurer shall establish rules and regulations for the administration of the purposes of this Section. Before issuing or amending any rules or regulations, the Treasurer shall provide a 30-day public comment period by providing published notice in an official newspaper of general circulation in the City of the intent to issue or amend the rules or regulations. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000. Former Sec. 10.82, added by (Ord. No. 2955 (1939), Sec. 1; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.83. COUNTERFEIT MONEYS.

The term "cash deficits" as used in Section 70.88 shall include deficiencies created by the receipt of counterfeit moneys and the surrender of the federal receipt for such counterfeit moneys to the Treasurer by any department. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.84. DEPOSITS OF PROCEEDS OF SALE OF CITY/COUNTY-OWNED PERSONAL PROPERTY, SALE OF VINTAGE TRANSIT EQUIPMENT.

All moneys received from the sale of City/County-owned personal property, pursuant to the provisions of Section 7.100 of the Charter, shall be deposited to the credit of the fund of the respective

departments, divisions or bureaus having jurisdiction or control over the personal property sold.

No City department may sell, loan for a period in excess of one year or otherwise dispose of any vintage transit equipment without approval by the Board of Supervisors after a public hearing. For purposes of this paragraph, "vintage transit equipment" means any Municipal Railway rolling stock or component thereof which is more than twenty-five years old. "vintage transit equipment" does not include any of the following:

(1) Components which are worn out, broken or otherwise unusable which will be replaced by components of a like kind designed to serve the same function.

(2) Usable surplus components which will be traded for other components in short supply. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000. Former Sec. 10.84. (Bill No. 884, Ord. No. 9.04194 (C.S.)), Sec. 1; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.85. FUNDS FROM VETERANS' ADMINISTRATION—LIABILITY OF CITY.

The City and County shall not be liable when acting as disburses of Veterans' Administration funds in rendering aid to the trainee, either directly or indirectly as reimbursement, or by payment to the vendor for equipment furnished, or otherwise. No claim made by any vendor or trainee against the City and County based upon equipment furnished through the trainer-trainee program of Public Law No. 346 shall ever be valid against the City and County or any of its officers. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000. Former Sec. 10.85. added by (Bill No. 884, Ord. No. 9.04194 (C.S.)), Sec. 2; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.86. PUBLIC HEALTH PAYMENT OF CERTAIN MEDICAL SERVICES CLAIMS FROM FUNDS OBTAINED THROUGH THE CIGARETTE AND TOBACCO SURTAX INITIATIVE.

(a) **Findings.** The Legislature has adopted a statute (Chapter 1331, Statutes of 1989) implementing the provisions of the Tobacco Tax and Health Protection Act of 1988 (the "Tobacco Tax Initiative").

The statute allocates funds received from the Tobacco Tax Initiative. A portion of these funds is allocated for two purposes: (1) to reimburse physicians for losses incurred in providing certain services to unspponsored patients unable to pay for them (Physicians Services Account) and (2) for payment or support of services provided by non-County hospitals (the non-County portion of the Hospital Services Account) (Section 9, Chapter 1331, Stats. 1989; Welfare and Institutions Code Sections 16940—16946 and 16950—16958).

The Board of Supervisors adopts this ordinance in order to establish procedures for the filing of claims by physicians and hospitals for reimbursement from these funds, the payment of claims to eligible parties, and the recoupment of any funds erroneously paid.

It is the intent of the Board that the provisions of this ordinance be consistent with the provisions of Chapter 1331, Stats. 1989, as currently enacted or as hereafter amended, and the County Health Services Plan and Budget developed by the County. If Chapter 1331 is hereafter amended to further regulate the Physician Services Account or the non-County portion of the Hospital Services Account, this ordinance shall be deemed to have incorporated those amendments.

(b) **Administering Agency.** Pursuant to Welfare and Institutions Code Section 16952(e), the San Francisco Department of Public Health is designated the administering agency responsible for implementing Chapter 5, Part 4.7 (commencing with Section 16900) of Division 9 of the Welfare and Institutions Code.

(c) **Establishment of Procedures.** The Department of Public Health shall establish a procedure for the submission and processing of claims from physicians and hospitals eligible to receive funds from the Physician Services Account and the non-County portion of the Hospital Services Account. The procedure may include the use of a contractor to process claims and to otherwise implement the provisions of Chapter 1331 relating to the Physician Services Account and the non-County portion of the Hospital Services Account.

(d) **Physician Services Account Claims.**

(1) **Eligible Claimants.** Funds from the Physician Services Account shall be used to pay claims submitted by physicians who have incurred losses due to the rendering of emergency, obstetric and pediatric services to patients unable to pay for the

services who are not eligible for Medi-Cal, Medicare, private insurance, or any other federal, state, or County program which provides reimbursement for physician services. Services provided by physicians employed by County hospitals or services provided in a primary care clinic are not eligible for reimbursement pursuant to this Section.

(2) *Requirements for Reimbursement.* The Department of Public Health shall only reimburse physicians when the following conditions have been met:

(A) The physician has inquired if there is a responsible third-party source of payment;

(B) The physician has billed for payment of services;

(C) A period of not less than six months has passed from the date the physician billed the patient or responsible third party, during which time the physician has made reasonable efforts to obtain reimbursement and has not received reimbursement for any portion of the amount billed; and

(D) The physician has stopped any current, and waives any future, collection efforts to obtain reimbursement from the patient.

(3) *Reimbursement Limited.* No physician shall be reimbursed for more than 50 percent of the losses submitted.

(4) *Claimants to Keep Records.* Any physician who submits a claim pursuant to this Section shall keep and maintain records of the services rendered, the person to whom services were rendered, and any additional information the administering agency may require, for a period of three years after the services were provided.

(e) **Hospital Services Account.**

(1) *Eligible Claimants.* Funds from the non-County portion of the Hospital Services Account shall be used in part to pay claims submitted by non-County hospitals for the provision of uncompensated services to patients unable to pay for the services who are not eligible for Medi-Cal, Medicare, private insurance, or any other federal, state, or County program which provides reimbursement for physician services.

(2) *Reimbursement Formula.* Funds shall be distributed as provided in the County Health Services Plan and Budget.

(3) *Requirements for Reimbursement.* A hospital may receive funds from the Hospital Services Account

only if it agrees to comply with the following requirements:

(A) Maintain the same number and designation of emergency rooms and trauma care permits as existed on the effective date of Chapter 1333, Stats. 1989;

(B) Provide data and reports on the use and expenditure of all funds received in a form and according to procedures specified by the Department of Public Health and the State Department of Health Services; and

(C) Assure that funds received pursuant to this Section are used only for uncompensated services for persons eligible pursuant to this Section.

(f) **Demographic Data; Indemnification; Audits; Evaluative Studies.**

(1) *Demographic Data.* In order to qualify for reimbursement, claimant physicians and hospitals shall agree to provide the demographic data and any other information required by State law implementing the Tobacco Tax Initiative.

(2) *Indemnification.* In order to qualify for reimbursement, claimant physicians and hospitals shall agree to indemnify, defend and hold harmless the City and County of San Francisco, its officers, agents and employees, including any party or entity with whom the City contracts to implement Chapter 1331, from any and all claims and losses accruing or resulting to any and all persons or entities supplying work, services, materials or supplies in connection with the services for which a claim is submitted, and from any and all claims and losses accruing or resulting to any person or entity who may be injured or damaged by claimant in connection with the provision of services for which a claim is submitted.

(3) *Audit, Inspection and Examination of Records.* In order to qualify for reimbursement, claimant physicians and hospitals shall agree to permit the Department of Public Health, its contractor responsible for implementing the provisions of Chapter 1331, Statutes of 1989 or other designated City agency to audit and examine the claimant's records insofar as they relate to claims submitted pursuant to this Section and to make excerpts and transcripts from such records. The State of California or any federal agency having an interest in the provisions of Chapter 1331, Statutes of 1989 shall have the same rights conferred on the Department of Public Health by this subsection.

(4) *Evaluative Studies.* The Department of Public Health, its contractor responsible for implementing the provisions of Chapter 1331, Statutes of 1989, or the State of California may request claimant physicians and hospitals to cooperate in evaluative studies designed to determine the effectiveness of the claims process provided for in this Section.

(g) *Appeal Procedure.* The Department of Public Health shall establish a written procedure for appeals of decisions relating to payment of claims submitted by physicians and non-County hospitals pursuant to this Section. Before issuing or amending any such procedure, the department of Public Health shall provide a 30-day public comment period by providing published notice in an official newspaper of general circulation in the City of the intent to issue or amend the procedure. The Department may contract with a non-City person or entity to implement the appeal procedure and may delegate to that person or entity the responsibility for such implementation.

(h) *Recoupment and Enforcement.*

(1) *Ineligible Claims Denied.* The Department of Public Health may deny claims submitted pursuant to this Section which are not supported by records or other information required by the Department to demonstrate that the claim meets the requirements of this Section.

(2) *Recoupment for Erroneously Paid Claims.* If the Department pays any claim which should not have been paid because it does not meet the requirements of this Section or Chapter 1331, or is inaccurate, or is not supported by the physician's or hospital's records or other information required by the Department, or is otherwise erroneously paid, the Department shall notify the claimant that the amount erroneously paid must be reimbursed to the City and County of San Francisco. The Department may reduce any payments which would otherwise be made to such claimants for other claims in order to recoup payments erroneously paid to them.

(3) *Claimants Paid for Services by Third Parties.* If, after receiving payment, a claimant is reimbursed by a patient or a responsible third party, the claimant shall notify the Department of Public Health and the claimant's future payment of claims shall be reduced accordingly. If the claimant does not submit a subsequent claim for one year, the claimant shall reimburse the City in an amount equal to the amount collected from the patient or third party payor, but not

more than the amount of reimbursement received under the claim.

(4) *Hospital Noncompliance with Requirements.* In the event a hospital does not comply with the requirements of Subsection (e)(3) of this Section, the Department of Public Health shall recover any funds received by the hospital and may deny further payments required by this Section until the hospital demonstrates compliance.

(i) *Judicial Enforcement.* The City Attorney may file any judicial action necessary to enforce the provisions of this Section, including recoupment of funds that are subject to reimbursement. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000. Former Sec. 10.86. added by Bill No. 884, Ord. No. 9.04194 (C.S.), Sec. 3; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.87. DECLARATION OF INTEREST IN PEACE OFFICER STANDARDS AND TRAINING FUNDS.

The City and County of San Francisco declares that it desires to qualify to receive aid from the State of California under the provisions of Chapter 1, of Title 4, Part 4 of the California Penal Code. Pursuant to Section 13522 of the Penal Code, the City and County of San Francisco shall, while receiving such aid, adhere to standards for recruitment and training established by the California Commission of Peace Officer Standards and Training (POST). (Added by Ord. 316-00, File No. 001911, App. 12/28/2000. Former Sec. 10.87. added by Res. No. 2828 (1939), amended by Ord. 278-96, App. 7/3/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.88.

(Amended by Ord. 399-78, App. 9/8/78; Ord. 202-90, App. 6/8/90; Ord. 422-94, App. 12/23/94; Ord. 36-98, App. 1/23/98; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.88-1.

(Amended by Ord. 404-60, App. 8/3/60; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.90.

(Ord. No. 5351 (1939), Sec. 1; amended by Ord. 398-88, App. 9/6/88; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.94.

(Ord No. 4559 (1939), Sec. 2; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.96.

(Amended by Ord. 524-60, App. 11/9/60; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.97.

(Added by Ord. 598-83, App. 12/16/83; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.98.

(Added by Proposition D, 6/5/90; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.98-1.

(Added by Proposition D, 6/5/90; amended by Ord. 278-96, App. 7/3/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.100.

(Amended by Ord. 57-82, App. 2/11/82; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-1. ADMINISTRATION OF SPECIAL FUNDS.

The following fund categories are hereby established to assist with the financial management of special funds or accounts. Unless otherwise stated in this chapter or required by law, such funds are to be administered as specified below.

Fund Category	Automatic Appropriation	Accumulation of Interest	Fund Balance Carries Forward
One	No	No	No
Two	No	No	Yes
Three	No	Yes	No
Four	No	Yes	Yes
Five	Yes	No	No
Six	Yes	No	Yes
Seven	Yes	Yes	No
Eight	Yes	Yes	Yes

(a) **Automatic Appropriation.** Funds deposited into fund categories five, six, seven, and eight are hereby appropriated for expenditures consistent with the purpose and use of the fund, with such expenditures to be authorized by the director of the recipient department.

(b) **Interest Earning.** Any interest earned on the principal in fund categories three, four, seven, and eight shall be credited to the fund, provided that the balance in said fund exceeds \$50,000.

(c) **Carry Forward of Fund Balance.** Any unexpended and unencumbered balance remaining at the close of any fiscal year in fund categories two, four, six, and eight shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be accumulated in the fund.

(d) **Automatic Closure of Funds.** If no expenditures are made from any special fund or account for two fiscal years, the Controller may close said special fund or account and return any balance remaining in the fund to the General Fund. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-5. ADMINISTRATIVE SERVICES CONVENTION FACILITIES FUND.

(a) **Establishment of Fund.** The Administrative Services Convention Facilities Fund is established as a category four fund for the purposes of receiving all revenues accruing from the use of Moscone Center, Brooks Hall and Civic Auditorium and Hotel Room Tax Fund receipts as provided in Section 515(6), Part III, San Francisco Municipal Code, and any other funds transferred into the fund.

(b) **Use of Fund.** The fund shall be used exclusively for the following purposes:

(1) Operation, maintenance, management and improvement of Moscone Center, Brooks Hall and Civic Auditorium;

(2) Funding for the San Francisco Convention and Visitors Bureau, which funding shall be limited to an amount equivalent to 8.5 percent of the Hotel Room Tax collected; provided, however, that the Director of Administrative Services may increase the amount of funding in excess of 8.5 percent as revenues increase.

In administering this allocation the Director of Administrative Services shall have the discretion to allocate, budget and control the monies hereby allocated. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-7. ADMINISTRATIVE SERVICES MANDATORY REFUSE COLLECTION SERVICE FUND.

(a) **Establishment of Fund.** The Administrative Services Mandatory Refuse Collection Service Fund is established as a category seven fund into which shall be deposited \$1,950.00 of the total annual license fee paid for each permitted garbage truck in accordance with Section 249.6 of the San Francisco Business and Tax Regulations.

(b) **Use of the Fund.** The Mandatory Refuse Collection Service Fund shall be used exclusively for the enforcement of the provisions of Article 6, Section 290 of the San Francisco Health Code, to include but not be limited to expenses incurred for personnel, supplies and equipment necessary for this purpose.

(c) **Administration of Fund.** The Department of Public Health shall file an annual report regarding the fund, including receipts and expenditures, with the Controller.

(d) The Mandatory Refuse Collection Service Fund shall sunset on June 30, 2003. Revenues and expenditures associated with said fund shall be transferred to the General Fund to be appropriated annually by the Board of Supervisors for the purposes specified herein. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000; amended by Ord. 7-03, File No. 021804, App. 1/21/2003)

SEC. 10.100-9. ADMINISTRATIVE SERVICES VEHICLE LEASING PROGRAM FUND.

(a) **Establishment of Fund.** The Administrative Services Vehicle Leasing Program Fund is established as a category six fund for the purpose of receiving funds work-ordered or transferred to the Department of Administrative Services by City departments for the use, maintenance, and replacement of City-owned general purpose vehicles, in accordance with the City's comprehensive fleet management program and Administrative Code Section 4.10-1.

(b) **Use of the Fund.** Money or property received into the fund shall be used exclusively for maintaining and replacing general purpose vehicles and for administering the vehicle leasing program.

(c) **Administration of Fund.** The Director of Administrative Services shall submit semi-annual reports to the Mayor and the Board of Supervisors regarding expenditures from the fund, including the number, type, and cost of vehicles purchased, the capacity of the fund to replace the City's fleet, and the rates charged to leasing departments. (Added by Ord. 186-03, File No. 030980, App. 7/25/2003)

SEC. 10.100-18. AIRPORT PROMOTION AND EVENT FUND.

(a) **Establishment of Fund.** The Airport Promotion and Special Event Account is hereby established as a category six fund for the purpose of receiving all donations of money, property and personal services which may be offered to the City and County of San Francisco through the Airport for the uses described in (b).

(b) **Use of the Fund.** Money, property and personal services comprising the Airport Promotion and Event Account shall be used and expended for such purposes as will be determined in the sole discretion of the Airport Commission to assist in the business promotion, and special event and community outreach activities associated with the inaugural of the San Francisco International Airport Master Plan Program and projects related to said program.

(c) **Exceptions to Fund Category.** Money, property and personal services comprising the Airport Promotion and Event Account shall be expended for such purposes as will be determined in the sole discretion of the Airport Commission. Any unexpended balances remaining in the Airport Promotion and Event Account when it expires on September 30, 2001 shall be deposited in the City's General Fund.

(d) **Administration of Fund.** The Airport Director shall submit to the Board of Supervisors and the Budget Analyst on a bi-monthly basis written reports of revenues to and expenditures from the Airport Promotion and Event Account during the bi-monthly period covered by the report. This fund shall expire on September 30, 2001. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-23. ANIMAL CARE AND CONTROL WELFARE FUND.

(a) **Establishment of Fund.** The Animal Care and Control Welfare Fund is established as a category four fund to receive all fees and donations of money which may be collected by the Animal Care and Control Department for the sale, redemption or surrender of impounded animals and for the care and feeding thereof and all fees collected by the Tax Collector for dog licenses, dog kennel licenses, cat registrations, and business licenses pursuant to Sections 215, 220 and 221 of Part III, San Francisco Municipal Code.

(b) **Use of Fund.** Said special fund shall be known and designated as the San Francisco Animal Control and Welfare Fund. The monies in this fund shall be expended solely for the purposes of defraying the cost of operating the Animal Care and Control Department exclusive of personnel costs. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-28. ART COMMISSION MARKET STREET ART MAINTENANCE ACCOUNT.

(a) **Establishment of Account.** The Art Commission Market Street Art Maintenance Account is established as a separate account within the Arts Commission Public Arts Fund under Section 10.100-30 of the San Francisco Administrative Code, a category four fund to receive the City and County's share of advertising revenues from transit shelter advertising on Market Street, as provided in the Advertising Transit Shelter Agreement, as amended. Additionally, any monies appropriated by the Board of Supervisors for maintenance of art on Market Street shall be deposited in this account.

(b) **Use of Account.** The monies in this account fund shall be expended exclusively for the maintenance and restoration of public art on Market Street. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000; amended by Ord. 187-05, File No. 050999, App. 7/29/2005)

[Section 10.100-30 begins on page 301.]

[Section 10.100-30 begins on page 301.]

the Board of Supervisors for maintenance of art on Market Street shall be deposited in this account.

(b) **Use of Account.** The monies in this account fund shall be expended exclusively for the maintenance and restoration of public art on Market Street. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000; amended by Ord. 187-05, File No. 050999, App. 7/29/2005)

SEC. 10.100-30. ART COMMISSION PUBLIC ARTS FUND.

(a) **Establishment of Fund.** The Art Commission Public Arts Fund is established as a category four fund to receive all revenue from programs, events, and sale or use of works of art which are under the supervision and control of the Art Commission as well as monies collected and deposited under the Arts Commission Market Street Art Maintenance Account and Arts Commission Youth Arts Account in accordance with Administrative Code Sections 10.100-28 and 10.100-34.

(b) **Use of Fund.** Unless otherwise provided by Charter, municipal code, contract or funding source, the monies in said fund shall be expended only for the purpose of conducting arts programs and events, the character and nature of which shall be determined by the Art Commission. Any revenue collected from the sale, exchange, or exhibition of a work of art under the jurisdiction of the Art Commission shall be expended exclusively for the purpose of acquiring or maintaining works of art for the same public structure or purpose for which the original work of art was acquired.

(c) **Exceptions to Fund Category.** The Art Commission shall authorize all expenditures from the fund. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000; amended by Ord. 187-05, File No. 050999, App. 7/29/2005)

SEC. 10.100-32. ARTS COMMISSION STREET ARTIST FUND.

(a) **Establishment of Fund.** The Arts Commission Street Artist Fund is established as a category four fund for the purpose of receiving all fees received by the San Francisco Arts Commission for the Street Artists Program pursuant to Article 24 of the San Francisco Police Code, Sections 2400—2411 (Regulating Street Artists). The Controller shall cause all funds previously received by the San Francisco

Arts Commission pursuant to Article 24 of the San Francisco Police Code, Sections 2400—2411 (Regulating Street Artists), to be deposited into the Street Artist Fund established by this section.

(b) **Use of Fund.** The monies in this fund shall be expended solely for the purposes of supporting the operation of the San Francisco Street Artists Program.

(c) **Interest.** Interest shall be credited by the Controller on any balance of funds accumulated in the Arts Commission Street Artist Fund. Interest earned from the Street Artist Fund shall become part of the principal thereof, and shall not be expended for any purpose other than that for which said fund is established. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000; amended by Ord. 234-01, File No. 011794, App. 12/7/2001)

SEC. 10.100-34. ART COMMISSION YOUTH ARTS ACCOUNT.

(a) **Establishment of Account.** The Art Commission Youth Arts Fund is established as a separate account within the Arts Commission Public Arts Fund under Section 10.100-30 of the San Francisco Administrative Code, a category four fund to receive half of the annual payment made to the City under Section II.B of the Advertising Transit Shelter Agreement, as amended, and any monies appropriated by the Board of Supervisors for youth arts programs.

(b) **Use of the Account.** The monies in this account shall be expended exclusively for providing programs and opportunities for the talents and creativity of young artists. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000; amended by Ord. 187-05, File No. 050999, App. 7/29/2005)

SEC. 10.100-40. BOARD OF SUPERVISORS OUTREACH ADVERTISING REVENUE FUND.

(a) **Establishment of Fund.** The Board of Supervisors Outreach Advertising Revenue Fund is established as a category four fund to receive monies withheld from payments to official newspapers for official advertising, in accordance with Administrative Code Section 2.81-2(a).

(b) **Use of Fund.** The Outreach Advertising Revenue Fund shall be used solely to pay for outreach advertising, in accordance with Section 2.80-1(d). (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-45. BUILDING INSPECTION FUND.

(a) **Establishment of Fund.** The Building Inspection Fund is established as a category four fund to receive all revenues collected by the Department of Building Inspection, including, but not limited to, application fees, permit fees, plan check fees, the Apartment and Hotel License Fee, and reproduction fees, but excluding Fire Department plan check fees, and Department of City Planning fees shall be deposited into this fund.

(b) **Use of the Fund.** This fund shall be used by the Department of Building Inspection, subject to the approval of the Building Inspection Commission exclusively to defray the costs of the Bureau of Building Inspection in processing and reviewing permit applications and plans, field inspections, code enforcement and reproduction of documents. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-50. COUNTY SURVEYOR'S SURVEY MONUMENT PRESERVATION FUND.

(a) **Establishment of Fund.** The County Surveyor's Survey Monument Preservation Fund is established as a category eight fund into which shall be deposited all monies received from the payment to the Assessor-Recorder of the \$10 user fee established in Administrative Code Section 8.24-6. The Treasurer shall deposit on a monthly basis into the Fund those monies received, pursuant to the authority herein. In addition, the Director of the Department of Public Works is hereby authorized to accept into this Fund any gift, devise or bequest for purposes of survey monument preservation.

(b) **Use of Fund.** The monies received into the Survey Monument Preservation Fund are hereby appropriated exclusively to pay the necessary expenses that the County Surveyor incurs or authorizes in relation to any retracement or remonument survey of major historical vertical or horizontal land division lines upon which later surveys are based.

(c) **Administration of Fund.** The Director of the Department of Public Works shall submit an annual written report to the Mayor, to the Controller, and to the Board of Supervisors that addresses the total receipts and use of proceeds of the preceding year together with a description of the surveys prepared. (Added by Ord. 258-05, File No. 051461, App. 11/17/2005)

SEC. 10.100-55. DISTRICT ATTORNEY ENVIRONMENTAL PROSECUTION FUND.

(a) **Establishment of Fund.** The District Attorney Environmental Prosecution Fund is established as a category two fund to receive funds ordered by the court to be expended solely for the purpose of investigation and prosecution of civil or criminal environmental violations.

(b) **Use of Fund.** The fund is to be used solely as provided by such court orders and general law. No portion of the fund shall be used for compensation or remuneration of full-time assistants or employees.

(c) **Administration of Fund.** The District Attorney shall file such vouchers with the Controller at the end of each fiscal year monies received by him from such fund and the particular purpose for which it was disbursed, provided that, if a criminal proceeding be pending or under investigation, vouchers for monies disbursed in such proceeding or investigation, need not be filed until the trial of the criminal proceeding be ended or the investigation concluded. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-57. DISTRICT ATTORNEY FAMILY SUPPORT BUREAU'S TAX INTERCEPT PROGRAM REVOLVING FUND.

(a) **Establishment of Fund.** The District Attorney Family Support Bureau's Tax Intercept Program Revolving Fund, is established as a category six fund for the purpose of advancing reimbursement for monies erroneously attached or intercepted by the District Attorney's Office for payment of a delinquent family support obligation. This fund is required by Title 45, Section 303.72(g) of the Code of Federal Regulations and the provisions of Section 29410 of the California Government Code

(b) **Use of Fund.** The District Attorney Family Support Bureau's Tax Intercept Program Revolving Fund shall be used solely for the purpose of providing prompt repayment to taxpayers whose federal or State income tax refunds have been erroneously attached under the District Attorney Family Support Bureau's tax intercept program.

(c) **Administration of Fund.** The procedure for administering the fund and for making deposits thereto and expenditures therefrom shall be approved by the Controller. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

**SEC. 10.100-60. DISTRICT ATTORNEY
STATE FORFEITURE FUND.**

(a) **Establishment of Fund.** The District Attorney State Forfeiture Fund is established as a category six fund to receive, disburse and expend money or tangible personal property which results from the District Attorney's participation in acts leading to the seizure or forfeiture of property pursuant to California law, including but not limited to Health and Safety Code, Section 11470 et seq., and Penal Code Section 186 et seq. The District Attorney shall receive and deposit into said fund any and all monies and property subject to forfeiture and/or disposition as required or authorized by law and by such judgments of forfeiture and orders for distribution as shall be issued by a Superior Court of the State of California, or Office of the Attorney General or District Attorney of the State of California as provided by California law including but not limited to Health and Safety Code Sections 11488.4, 11488.5, 11489 and Penal Code Section 186.8.

(b) **Use of Fund.** Monies and property in the fund shall be expended and disbursed subject to forfeiture and/or disposition as required or authorized by law and by such judgments of forfeiture and orders for distribution as shall be issued by a Superior Court of the State of California, or Office of the Attorney General or District Attorney of the State of California as provided by California law, including but not limited to Health and Safety Code Sections 11488.4, 11488.5, 11489 and Penal Code Section 186.8.

(c) **Exceptions to Fund Category.** No expenditures in excess of \$10,000 will be made from this Fund without first receiving the approval, by ordinance, of the Board of Supervisors.

(d) **Administration of Fund.** The District Attorney shall provide a quarterly report to the Controller, Budget Analyst of the Board of Supervisors of all expenditures made from said Fund during the immediately preceding three months. All deposits and expenditures from the fund shall be accounted for in a manner consistent with limitations imposed by State law and regulations. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

**SEC. 10.100-67. EMERGENCY
COMMUNICATIONS 911****EMERGENCY RESPONSE FUND.**

(a) **Establishment of Fund.** The Emergency Communications 911 Emergency Response Fund is established as a category four fund to receive all monies collected pursuant to Article 10A of Part III of the San Francisco Municipal Code and any other monies transferred into the fund.

(b) **Use of Fund.** The fund shall be used solely for the following purposes:

1. For the payment of costs of acquiring land on which to locate a 911 communication system facility or backup 911 communication system facility, acquiring and installing computerized call delivery processing and dispatch equipment and software, and/or any other acquisition or construction necessary to combine 911 communication staff under a single uniform command structure and to house 911 communication system equipment and staff in a seismically safe and fireproof facility or backup facility, including any debt service payments related thereto;

2. For the payment of operating, repair and maintenance expenses for the 911 communication system and backup 911 communication system, including but not limited to costs for personnel, training, software and hardware maintenance and upgrades, facility maintenance and repair and attorneys fees;

The term "911 communication system" shall have the meaning set forth in Section 751(a) of Part III of the San Francisco Municipal Code.

(c) **Administration of Fund.** Expenditures from the fund shall be made upon the recommendation of the Director of Emergency Communications. Expenditures and encumbrances from this fund shall be subject to the budget and fiscal provisions of the Charter. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000; amended by Ord. 71-02, File No. 020193, App. 5/10/2002; Ord. 63-03, File No. 030301, App. 4/11/2003)

SEC. 10.100-75. HUMAN RESOURCES EXAMINATION RESEARCH AND DEVELOPMENT FUND.

(a) **Establishment of Fund.** The Human Resources Examination Research and Development Fund is established as a category two fund to receive monies received from the lease of examination material and the provision of consultant services. The Director of Human Resources is authorized to set fee schedules and negotiate contracts for the lease of confidential examination materials and for the provision of consultant services.

(b) **Use of Fund.** The fund shall be used exclusively for the purpose of examination, research and development.

(c) **Exceptions to Fund Category.** Any balance in the fund at the end of any fiscal year in excess of \$10,000 shall be transferred to the General Fund.

(d) **Administration of Fund.** Examination material shall remain the confidential property of the Civil Service Commission and the specific details of leased materials shall not be listed in financial or other reports other than in confidential records of the Civil Service Commission. The provisions of Section 8.12 of Chapter 8 of this Administrative Code and other conflicting provisions of this Code shall not apply to documents leased under authority of this Section. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-77. HUMAN SERVICES CARE FUND.

(a) **Establishment of Fund.** The Department of Human Services Care Fund is established as a category eight fund to receive, and account for the expenditure of, savings realized through the implementation of Proposition N, or any other legislation that provides in-kind benefits in lieu of a full cash grant.

(b) **Definitions.** For the purposes of this Ordinance:

The term "baseline figure" shall mean the number of homeless persons in each CAAP program (GA, PAES, CALM, or SSIP), out of a total of 3,000 individuals, estimated as of May 1, 2002.

The term "CAAP" shall mean the County Adult Assistance Program, consisting of the General Assistance (GA) Program (Article VII of Chapter 20 of the Administrative Code), the Personal Assisted Employment Services (PAES) Program (Article IX of Chapter 20 of the Administrative Code), the Cash Assistance Linked to Medi-Cal (CALM) Program (Article X of Chapter 20 of the Administrative Code), and the Supplemental Security Income Pending (SSIP) Program (Article XI of Chapter 20 of the Administrative Code).

The term "Commission" shall mean the San Francisco Human Services Commission.

The terms "Department of Human Services" or "the Department" shall mean the San Francisco Department of Human Services.

The term "homeless" shall mean applicants or recipients in CAAP who identify themselves as homeless.

The term "Proposition N" shall mean Proposition N, or the "Care Not Cash Initiative," as adopted by the voters at the November 2002 San Francisco general municipal election.

(c) **Revenues.** The Fund shall include the following revenues:

Category One: Each year, the Commission shall, as part of its budget, estimate the number of homeless individuals it expects will participate in each of the separate CAAP programs (GA, PAES, CALM, and SSIP) during the upcoming fiscal year. If those numbers are less than the baseline figures, the City shall credit the Fund with the full amount of the average annual maximum cash grant for each program, multiplied by the difference between the baseline figure and the estimated number of homeless participants in each program for the upcoming fiscal year.

Category Two: Each year, the Commission shall, as part of its budget, estimate the number of homeless individuals in each of the separate CAAP programs (GA, PAES, CALM, and SSIP) the Commission expects will be provided in-kind benefits in lieu of a full cash grant for the upcoming fiscal year. The City shall credit the fund with the difference between the average annual maximum cash grant for each program and the average annual special allowance or other residual cash payment provided by

the City, multiplied by the estimated number of homeless individuals in the program that the Commission expects will be provided in-kind benefits in lieu of a full cash grant during the year.

Fund revenues may also include any other monies donated or appropriated to the Fund.

(d) **Uses of the Fund.** The Fund shall be used by the Department to provide: (1) housing, utilities, and meals; (2) drug and alcohol treatment; (3) mental health care; and, (4) job training, for homeless CAAP recipients whose monthly cash payments have been reduced. In providing these services, the Department may use monies in the Fund to pay for master lease contracts for SRO hotels, expanded shelter operation contracts, meal contracts, and other agreements to provide in-kind benefits. Nothing in this section shall be construed to prevent the City or the Department from providing the same services to other classes of recipients from other funding sources.

To the extent that the Department has met its obligations to provide the basic in-kind benefits listed above, it may also use money in the Fund to pay for job training, SSI advocacy, rental/move-in assistance, and any other services the Department deems necessary or appropriate to help move CAAP recipients in the City's shelter system into permanent housing or self-sufficiency.

The Department may not use any other portion of its overall budget for the direct costs of new care associated with the implementation of Proposition N, or any other legislation that provides in-kind benefits in lieu of a full cash grant; provided, however, that the Department may continue to use any other source of funds to provide the same level of such services to homeless CAAP recipients as it already provided, without any reduction in cash assistance, before June 30, 2003 for Proposition N, or before the effective date for any other legislation covered by this ordinance. The Department may only use monies within the Fund for the provision of new care required to implement Proposition N, or any other legislation that provides in-kind benefits in lieu of a full cash grant.

(e) **Certification.** The Human Services Commission shall conduct a public hearing or hearings and adopt findings prior to submitting the annual estimates required under subsection (c).

No later than 30 days after the end of each quarter, the Department of Human Services shall

report on whether the estimates under subsection (c) were accurate for that quarter. The Controller shall review that report, and the Human Services Commission shall conduct a hearing and transmit its findings to the Board of Supervisors. The Board may hold additional hearings and may adjust any appropriations to the Fund; provided, however, that the Board may choose to reconcile the amounts in the Fund at the end of the fiscal year.

(f) **Fund Limits.** The Controller shall alert the Department of Human Services, the Board of Supervisors, and the Mayor any time the revenues received by the Fund for any fiscal year exceed \$11.9 million. The Department may only expend monies from the Fund in excess of the \$11.9 million amount in any fiscal year by appropriation ordinance.

At the same time that the Department submits any such proposed appropriation ordinance in excess of the \$11.9 million cap, it must also submit to the Board of Supervisors a plan explaining how the Department intends to spend the money. The plan must include, at a minimum, estimates of the amounts to be spent for various purposes, as well as an explanation of who is to benefit from these expenditures, how many people will benefit, and how the proposed benefits will be provided. The Board shall approve the plan by resolution before adopting the appropriation ordinance. (Added by Ord. 237-03, File No. 031238, App. 10/3/2003)

SEC. 10.100-85. LIBRARY CONSTRUCTION FUND.

(a) **Establishment of Fund.** The Library Construction Fund is established as a category four fund for the acceptance of gifts for the construction of additions or enhancements to the new main library, including without limitation, the receipt of funds to pay for furniture and equipment for the library.

(b) **Use of Fund.** Expenditures from the fund may be approved for the payment of the construction of additions or enhancements to the new main library; architecture and inspection charges of the Department of Public Works; outside architects, interior designers, and engineers for designing additions or enhancements to the new main library; furniture and equipment for the new main library; and payment for other purposes for the new main library as specified by donors to the fund. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-88. LIBRARY SPECIAL COLLECTIONS AND SERVICES FUND.

(a) **Establishment of Fund.** The Library Special Collections and Services Fund is established as a category six fund to receive all proceeds derived from (1) the provision of information services or publications by the Library; (2) visitor cards; and (3) the sales of books from the Special Collections Department of said Public Library, which duplicate holdings in said Special Collections Department or are not compatible with the collection policy of said Special Collections Department. Books selected for such a sale shall be on the recommendation of the City Librarian with the approval of the Library Commission. All proceeds derived from service fees charged for photographic reproduction of materials in the Special Collections Department of said Public Library shall be deposited in said Special Collections and Services Fund.

(b) **Use of Fund.** Monies deposited in the fund may be expended solely for the following purposes:

(1) Expenses incurred in connection with the sale of books from said Special Collections Department as aforesaid;

(2) Purchase of additional books and related ephemera for the Special Collections Department of the Public Library;

(3) Purchase of special equipment and related items for the Special Collections Department of the Public Library deemed necessary to insure proper security and conservation of rare and valuable materials;

(4) Special fellowships awarded to individuals with expertise in any area of the collections housed in said Special Collections Department of the Public Library;

(5) Expenses incurred in the provision of information services; and

(6) Purchases, lease, and maintenance of equipment and information resources necessary for the provision of information services.

(c) **Exceptions to Fund Category.** All expenditures from the fund are subject to approval of the Library Commission, and the Board of Supervisors must approve any expenditure in excess of \$5,000. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-95. MAYOR'S COMMUNITY SUPPORT FUND.

(a) **Establishment of Fund.** The Mayor's Community Support Fund is established as a category eight fund to receive all penalties and fines collected from participants in the Community Court Program, as established in Section 10.100-95, to resolve disputes or dismiss charges. A separate account shall be established for each Community Court established or to be established. All penalties and fines collected from participants in the Community Court Program to resolve incidents or dismiss charges shall be deposited into the Mayor's Community Support Fund account for the community in which the dispute occurred. In the event that the community in which the incident occurred does not have an account, those fines or penalties collected shall be deposited into a City-wide account in the Mayor's Community Support Fund. Monies previously being held in the Mayor's Community Court Funds shall be deposited in the respective Mayor's Community Support Fund account.

(b) **Use of Funds.** The City shall expend the moneys in the Mayor's Community Support Fund to support community enrichment projects in the community served by the respective account. The Director of the Mayor's Office of Criminal Justice, in consultation with the Police Chief, District Attorney, the Chief Executive Officer of the Superior Courts, and the Controller, shall establish guidelines

for the disbursement of moneys consistent with these purposes. No cost that may be incurred by any City department in administering these moneys shall be recovered therefrom.

(c) **Exceptions to Fund Category.** The Director of the Mayor's Office of Criminal Justice, in consultation with appropriate City agencies and community representatives, may disburse moneys consistent with those guidelines, provided that any single expenditure in excess of \$5000 may not be disbursed without prior approval of the Board of Supervisors. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000; amended by Ord. 189-05, File No. 051001, App. 7/29/2005)

SEC. 10.100-97. MAYOR'S CONVENTION PROMOTION AND SERVICES FUND.

(a) **Establishment of Fund.** There is hereby established a category eight fund to be known as the San Francisco Convention Promotion and Services Fund for the purpose of receiving all donations of money, property and personal services which may be offered to the City and County of San Francisco through the Office of the Mayor for the use and benefit of the City to promote and to provide services to conventions within the City and County of San Francisco.

(b) **Uses of Fund.** Expenditures from the fund shall either provide for improvements to convention facilities or provide services to convention sponsors.

(c) **Exceptions to Fund Category.** The Mayor and Director of Administrative Services shall approve all expenditures from the fund. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-100. MAYOR'S EARTHQUAKE EMERGENCY RELIEF FUND.

(a) **Establishment of Fund.** The Mayor's Earthquake Emergency Relief Fund is established as a category eight fund to receive all private and public grants, gifts and bequests of money and property which may be offered to the City and County of San Francisco to provide relief from the earthquake of October 17, 1989.

(b) **Use of Fund.** The fund is to be used consistent with the stated wish of the donor or grantor. No costs which may be incurred by any City and County department in administering this fund shall be recovered therefrom.

(c) **Exceptions to Fund Category.** The monies in this fund may be appropriated upon recommendation by the Mayor and approval by resolution of the Board of Supervisors. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-102. MAYOR'S EMERGENCY MERCY FUND.

(a) **Establishment of Fund.** The Mayor's Emergency Mercy Fund is established as a category eight fund for the purpose of receiving all private or public grants, gifts or bequests of money or property which may be offered to the City and County to benefit children throughout the world who are victims of natural or manmade disasters.

(b) **Use of Fund.** Monies in the fund are to be expended solely for the benefit of children throughout the world who are victims of natural or manmade disasters. No costs which may be incurred by any City department in administering this fund shall be recovered therefrom.

(c) **Administration of Fund.** The monies in this fund may be expended upon recommendation by the Mayor and approval by resolution of the Board of Supervisors. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-104. MAYOR'S EXCELSIOR YOUTH CENTER FUND.

(a) **Establishment of Fund.** The Mayor's Excelsior Youth Center Fund is established as a category eight special fund for the purpose of receiving all cash gifts, donations and contributions of money that may be offered for the Excelsior Youth Center.

(b) **Use of Fund.** Monies in the fund shall be used exclusively for the development, furnishing, operation and maintenance of the Excelsior Youth Center. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-106. MAYOR'S FUND FOR THE HOMELESS.

(a) **Establishment of Fund.** The Mayor's Fund for the Homeless is established as a category six fund to receive all donations which may from time to time be received by the City and County of San Francisco for providing shelter, food and other assistance for the homeless.

(b) **Use of the Fund.** The fund is to be used exclusively for the purpose of providing food, shelter and supportive services to the homeless and for costs incurred for promotion of the fund. Funds which are donated for a specific project for the homeless shall be expended only for that project.

(c) **Administration of Fund.** The director of the Department of Public Health, or his designee, is authorized to administer the Mayor's Fund for the Homeless and to determine expenditures from the fund, in keeping with the original intended uses of the fund. The director or his designee shall report regularly to the Human Services Commission on gifts to and expenditures from the fund, at such time as all expenditures from the department's gifts fund are reported upon. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000; Ord. 162-04, File No. 040749, App. 7/22/2004)

SEC. 10.100-108. MAYOR'S HOME OWNERSHIP ASSISTANCE LOAN FUND.

(a) **Establishment of Fund.** The Mayor's Home Ownership Assistance Loan Fund is established as a category eight fund to receive monies from repayment of promissory notes utilized by the City on surplus City sites which have been sold for the development of low and moderate income housing and monies generated by repayment of loans from the Home Ownership Assistance Loan Fund.

(b) **Use of Fund.** The fund is to be used exclusively for the purpose of expanding home ownership opportunities for first-time home buyers who are persons, families or households of low or moderate income. Low income is defined as up to 80 percent of the median income and moderate income as

81 percent to 120 percent of the median income for San Francisco. Median income will be the current amount as defined by the Department of Housing and Urban Development. Monies from the fund may be used (1) to provide loans to low and moderate income individuals, families and households, and (2) to provide loans to nonprofit corporations for the purchase of housing units to be resold to low and moderate income individuals, families and households; or for curing a default on a senior loan made with respect to a unit that has secondary financing from the City. The loans may be used to assist with the acquisition of housing units constructed on surplus City sites that otherwise would not be affordable to low and moderate income households.

(c) **Exceptions to Fund Category.** The Director of the Mayor's Office of Housing shall approve all expenditures from the fund. Administrative expenses shall be appropriated through the annual budget process or supplemental appropriation.

(d) **Administration of Fund.** The Mayor's Office of Housing, or its successor, shall administer a loan program under the Home Ownership Assistance Loan Fund, and in such capacity shall (1) prepare and service loan agreements; (2) receive payments from loans, maintain current accounts showing principal, interest, shared appreciation and fees relating to the loans made from the Home Ownership Assistance Loan Fund; and (3) allocate funds for administration associated with the operation of the Home Ownership Assistance Loan Fund, such administrative funds being limited to interest earnings generated by loans,

[Section 10.100-108 continues on page 307.]

the share of appreciation accruing to City as outlined in the loan agreements, collection of fees and proceeds of investments of unexpended cash balances from the Home Ownership Assistance Loan Fund. The Mayor's Office of Housing, or its successor, shall report annually to the Board of Supervisors on the current status of the Home Ownership Assistance Loan Fund, the amounts approved for disbursement, the number and types of units assisted, and shall make recommendations for any changes deemed necessary to improve the effectiveness of the Home Ownership Assistance Loan Fund in achieving its purpose. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-110. MAYOR'S HOUSING AFFORDABILITY FUND.

(a) **Establishment of Fund.** The Mayor's Housing Affordability Fund is created as a category two fund to receive any prior legally binding obligations any grants, gifts, bequests from private sources for the purposes sited in section (b), any monies repaid to the City as a result of loans made by City to developers to assist in the development of affordable housing, any repayments of monies to City where the City is beneficiary under a promissory note which was acquired as a result of City's housing affordability assistance, any repayments of loans made from this fund and any monies otherwise appropriated to the fund.

(b) **Use of Fund.** The fund shall be used exclusively for the purpose of providing financial assistance to for-profit and nonprofit housing developers, where the contribution of monies from the fund will allow units in a project to be affordable to persons and families of low and moderate income. City departments may recover any costs of administering any project receiving funds from the Mayor's Housing Affordability Fund. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-114. MAYOR'S NEIGHBORHOOD BEAUTIFICATION AND GRAFFITI CLEAN-UP FUND.

(a) **Findings.** The proliferation of graffiti on public buildings and other public property has created a blight which offends both citizens of and visitors to San Francisco. The removal of such graffiti

will enhance the beauty of the City in which we live and will encourage others to visit and to relocate here. Removal will thus both reflect and renew our civic pride and contribute to our economic viability. Providing a source of funds for the promotion of neighborhood beautification projects will support the efforts of local residents and businesses to improve the quality of life for San Francisco residents and the local economy, and assist in reducing the amount of graffiti in San Francisco.

(b) **Statement of Intent.** The Board of Supervisors wishes to address the above concerns by establishing a neighborhood beautification and graffiti clean-up fund which will promote neighborhood beautification projects, including projects designed to improve the environmental quality of neighborhoods, and finance the clean-up of graffiti on public property.

(c) **Establishment of Fund.** The Mayor's Neighborhood Beautification and Graffiti Clean-Up Fund is established as a category four fund for the purpose of receiving all donations or grants of money which may be collected by the City and County of San Francisco for the purposes noted in (b).

(d) **Use of Fund.** The fund shall be used exclusively for the purposes enumerated in (b), provided that such expenditures shall include reimbursement to City and County departments for expenses incurred in the administration of the fund.

(e) **Administration of Fund.** The Mayor shall have the following duties in regard to administration of the fund:

1. The Mayor, or his or her designee, shall be responsible for the administration of the Neighborhood Beautification and Graffiti Clean-Up Fund, and shall have all such authority as may be reasonably necessary to carry out those responsibilities.

2. The Mayor shall promulgate such rules and regulations as he or she may deem appropriate to carry out the provisions of this section. Before issuing or amending any rules and regulations, the Mayor shall provide a 30-day public comment period by providing published notice in an official newspaper of general circulation in the City of the intent to issue or amend the rules and regulations. The rules and regulations shall be approved by resolution of the Board of Supervisors. Such rules and regulations shall include, but not be limited to, the qualifications of applicants and factors to be considered in the award of grants to

fund programs to help remove graffiti and promote neighborhood beautification projects, including preference for the following projects: youth programs and innovation, projects that are neighborhood generated, and projects designed to benefit areas of San Francisco that are economically disadvantaged.

3. The Mayor shall submit a semiannual report to the Board of Supervisors setting forth an accounting of the amounts disbursed and the uses for which said funds were made. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-117. MAYOR'S OFFICE OF HOUSING PROGRAMS FEES FUND.

(a) **Establishment of Fund.** The Mayor's Housing Programs Fees Fund is established as a category two fund to receive monies from fees earned by the Mayor's Office of Housing in connection with the administration of affordable housing. Such fees shall include, but are not be limited to, fees from single-family and multifamily housing mortgage revenue bonds as issuer or as administrator, fees from the California Natural Disaster Assistance Program, and fees from similar housing programs in which the city earns fees for services provided by the Mayor's Office of Housing. This Section 10.117-100 shall not authorize the levy fees except as otherwise provided by ordinance or resolution of the Board of Supervisors.

(b) **Use of Fund.** The fund shall be used for the purpose of supporting the City's efforts to provide affordable housing for persons and households of low and moderate income in the City. For the purposes of this Fund, "low and moderate income" shall mean incomes which are not greater than 120 percent of median for San Francisco, as defined by the United States Department of Housing and Urban Development. Monies from the Fund may be used for the following purposes:

1. To pay the costs of the Mayor's Office of Housing for administering housing programs for which administrative funding is not otherwise available from the City's General Fund, federal or state grants, or other sources of administrative funding. Such programs shall include the City's single-family and multifamily housing mortgage revenue bond programs, the first time homebuyer programs, rental

housing development programs, and the monitoring of units to ensure their continued affordability.

2. To the extent that monies are available and not needed to cover current and anticipated future administrative costs described in Subparagraph (1) and with the approval of the Board of Supervisors, to transfer said monies to the Affordable Housing Fund to make loans or grants for the development of affordable housing in the City.

(c) **Exceptions to Fund Category.** The Director of the Mayor's Office of Housing shall approve expenditures from the fund.

(d) **Administration of Fund.** The Mayor's Office of Housing shall administer the Fund, and in such capacity shall review the needs of the administration of affordable housing programs and the availability of monies from the fund for other eligible purposes. Funds for administration of affordable housing programs shall be appropriated through the annual budget process or by supplemental appropriation for the Mayor's Office of Housing. The Mayor's Office of Housing shall report annually to the Board of Supervisors on the current status of the Housing Program Fees Fund as a part of the annual budget process for the Mayor's Office of Housing, including the amounts of fees received and to be budgeted for administrative funding, and any recommendations deemed necessary to improve effectiveness of the Housing Program Fees Fund in achieving its purpose. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-119. MAYOR'S PERFORMING ARTS LOAN FUND.

(a) **Establishment of Fund.** The Mayor's Performing Arts Loan Fund is established as a category four fund to receive any grants, gifts and bequests from public or private sources for this purposes, any monies appropriated to the County for the fund by the Legislature and any monies appropriated to the fund by the Board of Supervisors, including all principal repayments, fees, charges and other interest collected from participating parties.

(b) **Use of Fund.** The fund shall be used exclusively for the purpose of making facilities management, capital improvement and acquisition loans to nonprofit performing arts organizations

pursuant to Chapter 50 of the San Francisco Administrative Code. The monies in this fund may be appropriated exclusively for the purposes and in the manner designated pursuant to Chapter 50 of the San Francisco Administrative Code. Costs which may be incurred in administering said Chapter may be recovered from interest payments deposited in this fund. Recovered costs shall not exceed 1/3 of the total interest payments received. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-121. MAYOR'S PROTOCOL AND HOST FUND.

(a) **Establishment of Fund.** The Mayor's Protocol and Host Fund is established as a category six fund to receive all gifts, donations and contributions of money, property and personal services which may be offered to the City and County of San Francisco through the Office of the Mayor for protocol and host purposes beneficial to the City and County of San Francisco.

(b) **Use of Fund.** Money, property and personal services comprising the fund shall be utilized for those purposes beneficial to the City and County of San Francisco which are in the nature of protocol and/or host expenditures. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-125. MAYOR'S SAN FRANCISCO ARTS WALL OF FAME FUND.

(a) **Establishment of Fund.** The Mayor's San Francisco Arts Wall of Fame Fund is established as a category eight fund to receive all donations of monies or property to be used for the construction, maintenance and administration of the San Francisco Arts Wall of Fame in the Civic Auditorium.

(b) **Use of Fund.** The monies in this fund are exclusively for payment of the construction, maintenance and administration of the Arts Wall of Fame Committee in the performance of duties set forth in Resolution No. 810-86. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-127. MAYOR'S SISTER-CITY COMMITTEE FUND.

(a) **Establishment of Fund.** The Mayor's Sister-City Committee Fund is established as a category eight fund to receive all donations of money,

property and personal services which may be offered to the City and County of San Francisco through the Office of the Mayor for the use and benefit of the City and County's Sister-City Committees.

(b) **Use of Fund.** Monies deposited in the fund shall be expended for the benefit of the specific Sister-City Committee designated by the donor. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-129. MAYOR'S SMALL BUSINESS REVOLVING LOAN FUND.

(a) **Establishment of Fund.** The Mayor's Small Business Revolving Loan Fund is established as a category four fund to receive proceeds related to the Community Development Block Grant Revolving Loan Program, the Economic Development Administration Title IX Revolving Loan Fund Program, and such other additional sources which may be made available. The monies to be deposited in the Fund include, subject to any, prior legally binding obligations, principal repayments of loans made from the Fund and fees and interest earnings generated by loans made from the fund.

(b) **Use of Fund.** Expenditures from the fund shall be for the following purposes: (1) to provide for loans to aid local small businesses; and (2) to provide for expenses incurred in the administration of such loans. Pursuant to Economic Development Administration Title IX the authorization for the loans shall be approved by the Loan Administration Board previously established by resolution of the Board of Supervisors. Administrative expenses are appropriated through the annual budget process or supplemental appropriation for the Mayor's Office of Housing, Economic Development and Small Business.

(c) **Administration of Fund.** The Mayor's Office of Housing, Economic Development and Small Business shall administer loan programs under the Fund, and in such capacity shall (1) service loan agreements; (2) receive payments for, and maintain current accounts of principal, interest, and fees relating to the loan agreements, and redeposit them into the Fund; (3) allocate funds for administration associated with the operation of the Fund, such funds being limited to interest earnings generated by loans, collection of fees and the proceeds of investments of unexpended cash balances from the Fund.

The Mayor's Office of Housing, Economic

Development and Small Business shall report annually to the Board of Supervisors on the current status of the Fund, the amounts approved for disbursement and the number and types of projects assisted. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-131. MAYOR'S SUPPORTIVE HOUSING SERVICE FUND.

(a) **Findings.** Housing linked with services, "supportive" or "service-enriched" housing, has become widely recognized as an ideal model for addressing the problem of homelessness. This model recognizes that low-income people often have multiple unmet needs, including a need for both safe affordable housing and readily available support services to effectively stabilize their lives. There are opportunities to leverage federal, state and other funds to expand and improve our supportive housing stock. However, the requirements for integrated service programs and local matching funds demand timely access and coordinated support from a single City source, which has heretofore been unavailable.

(b) **Statement of Intent.** The Board of Supervisors wishes to address the above concerns by establishing a supportive services fund which will both facilitate the development of newly constructed or rehabilitated affordable supportive housing and ensure that a portion of the existing affordable housing in San Francisco is accessible and appropriate to those with service needs which put them at risk of repeated homelessness and hinder them from participating fully in the community. For purposes of this ordinance "affordable housing" shall mean housing affordable to low and moderate income households as defined by California Health and Safety Code Sections 50052.5, et seq. Such affordability shall be maintained for a period of not less than the greater of fifty years or the life of the project.

(c) **Establishment of Fund.** The Mayor's Supportive Housing Service Fund is established as a category eight fund for the purpose of providing financial assistance to the owners of for-profit and nonprofit affordable housing developments, where the contribution of monies from the fund will provide necessary supportive services to the residents of these affordable housing developments. Said fund shall be known as the Supportive Housing Service Fund. Subject to any prior legally binding obligations, any

grants, gifts or bequests from private or public sources for this purpose and any monies appropriated to the fund shall be deposited into said special fund.

(d) **Use of Fund.** Monies deposited in the fund shall be expended exclusively in accordance with the rules and regulations promulgated pursuant to Subsection (e), below. The supportive housing services for which expenditures may be made by this fund are mental health services, services for people with HIV/AIDS, services for seniors, social work/case management services, substance abuse services, vocational services, child care, and community development services (such as establishing tenant councils or facilitating peer support groups). The services must be for the direct benefit of and easily accessible to the residents of low and moderate income housing developments.

(e) **Exceptions to Fund Category.** The Executive Director of the Mayor's Office of Housing, or his or her designee, shall administer expenditures from the fund, subject to the rules and regulations established through the process described in (f). Interest shall accrue to the fund if the balance in the fund exceeds \$10,000.

(f) **Administration of Fund.** The Executive Director of the Mayor's Office of Housing shall promulgate such rules and regulations as he or she may deem appropriate to carry out the provisions of the fund. Such rules and regulations shall be developed in consultation with the organizations that participate in the Council of Community Housing, or successor or similar organization, and any other appropriate agencies or organizations with which the Executive Director, or his or her designee, may choose to consult. Such rules and regulations shall include, but not be limited to the qualifications of applicants and factors to be considered in the award of grants to fund supportive housing services. Such rules and regulations shall be designed to ensure that although the highest priority use is established for supportive services at proposed new affordable housing developments, that monies from this fund may also be expended for supportive services at existing affordable housing developments. The rules and regulations shall be subject to a public hearing and approved by resolution of the Board of Supervisors.

The Supportive Housing Services Fund Committee shall consist of those officials currently serving

as members of the Affordable Housing Loan Committee (the Executive Director of the Redevelopment Agency, the Director of the Mayor's Office of Housing and the Mayor's Homeless Coordinator, or any respective successors responsible for housing and homeless services as designated by the Mayor), a representative from the Department of Social Services and a representative from the Department of Public Health who shall be appointed by the respective department head in consultation with the Mayor. Vacancies shall be filled by the Mayor as they may occur.

The Supportive Housing Services Fund Committee shall be delegated the following responsibilities:

(1) To prepare and distribute announcements and requests for grant proposals to existing providers of affordable housing and supportive services, and others who may be interested;

(2) To review and evaluate all proposals and requests of housing providers eligible to receive funding under this program. The Supportive Housing Services Fund Committee shall consult with individuals or groups who have expertise in the particular supportive services or target populations under consideration, in making their evaluations;

(3) To recommend appropriate action to the Mayor on all proposals and requests for funding;

(4) To monitor the implementation of the proposals approved for funding under this program in compliance with the provisions herein;

(5) To submit a semi-annual report to the Budget Committee of the Board of Supervisors setting forth an accounting of the amounts disbursed and the uses for which said funds were made. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-136. MAYOR'S URBAN DEVELOPMENT ACTION GRANT REVOLVING FUND.

(a) **Establishment of Fund.** The Mayor's Urban Development Action Grant Revolving Fund is established as a category four fund to receive proceeds related to the Urban Development Action Grant Program. The monies to be deposited in the fund include, subject to any prior legally binding obligations:

(1) Repayments of Urban Development Action Grants awarded to the City and County of San Francisco;

(2) Principal repayments of loans made from the Fund;

(3) Application and/or loan fees and interest earnings generated by loans made from the Fund and the proceeds of investments of unexpended cash balances of Fund; and

(4) Revenue received from City participation as defined by specific Urban Development Action Grant agreements.

(b) **Use of Fund.** Expenditures from the Fund shall be for the following purposes:

(1) To provide for economic development loans and/or grants for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended; and

(2) To acquire real or personal property for use in connection with activities eligible under Title I of the Housing and Community Development Act of 1974 and to maintain such property; and

(3) To provide for expenses incurred in the administration of the Fund.

(c) **Exceptions to Fund Category.** Expenditures for loans, grants and property acquisitions and maintenance shall be approved by resolution of the Board of Supervisors. Administrative and property maintenance expenses are appropriated through the annual budget process or supplemental appropriation for the Mayor's Office of Housing and Economic Development.

(d) **Administration of Fund.** The Mayor's Office of Housing and Economic Development shall administer loan and grant programs under the Fund, and in such capacity shall (1) service loan and grant agreements; (2) receive payments for, and maintain current accounts of, principal, interest, and fees relating to the loan and grant agreements, and redeposit them into the Fund; (3) allocate funds for administration associated with the operation of the Fund, such funds being limited to interest earnings generated by loans, collection of fees and the proceeds of investments of unexpended cash balances from the fund.

The Mayor's Office of Housing and Economic Development shall report annually to the Board of Supervisors on the current status of the Fund, the amounts approved for disbursement, the number and types of projects assisted, and shall make recommendations for any changes deemed necessary to

improve the effectiveness of the fund in achieving its purpose. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-138. MAYOR'S VOLUNTARY ARTS CONTRIBUTIONS FUND.

(a) **Establishment of Fund.** The Mayor's Voluntary Arts Contribution Fund is established as a category eight fund for the purpose of receiving all donations or grants of money and property which may be offered to the City and County for its use and benefit to promote and provide services to nonprofit arts organizations pursuant to Chapter 51 of the San Francisco Administrative Code.

(b) **Use of Fund.** The monies are to be expended for the purposes designated in Chapter 51 of the San Francisco Administrative Code. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-150. MEDICAL EXAMINER'S PEACE OFFICERS' TRAINING FUND.

(a) **Establishment of Fund.** The Medical Examiner's Peace Officer Training Fund is hereby established as a category two fund into which shall be deposited all state funds allocated by the Commission on Peace Officer Standards and Training to the City and County for the training of peace officer members of the Medical Examiner's Office.

(b) **Use of Fund.** Monies from the fund shall be used exclusively for recruitment and training of peace officer members of the Medical Examiner's Office, including but not limited to, expenses incurred in the recruitment of personnel, purchase of equipment and training aids, expenses incurred in attending seminars, training schools and conferences, expenses incurred in assigning officers on an overtime basis to fill the regular duty assignments of officer members being trained and such other expenses as may be incurred in the recruitment and training of peace officer members of the Medical Examiner's Office. The Medical Examiner's Office will adhere to the standards for selection and training of peace officer members of the coroners' offices established by the California Commission on Peace Officer Standards and Training. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-155. MUNICIPAL TRANSPORTATION CAPITAL RESERVE FUND.

(a) **Establishment of Fund.** The Municipal Transportation Capital Reserve Fund is established as a category eight fund to receive all monies generated under any Agreement intended to come within the provisions of Section 168 of the Internal Revenue Code ("Section 168 Agreement") and/or any related Agreement with San Francisco Municipal Railway Improvement Corporation intended to facilitate a Section 168 Agreement, and for the further purpose of receiving such other monies as may from time to time be designated by the Board of Supervisors.

(b) **Use of Fund.** Monies in the fund may be used solely to make any disbursements necessary to make indemnity payments required under any Section 168 Agreement, and any disbursements necessary to reacquire clear title to any mass commuting vehicle, and to effectuate a release of any security interest established under any Agreement entered into with San Francisco Municipal Railway Improvement Corporation facilitating a Section 168 Agreement, and any disbursements necessary to pay fees for legal counsel, financial consultants, and other services incidental to the execution of such Agreements are, to the extent that the fund contains sufficient funds therefor, hereby appropriated for such purposes, authorized and approved. All other funds in the fund shall be expended for capital purposes of the Municipal Transportation Agency. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-157. MUNICIPAL TRANSPORTATION IMPROVEMENT FUND.

(a) **Establishment of Fund.** The Municipal Transportation Improvement Fund is established as a category six fund to receive all amounts certified by the Controller and identified in the Memorandum of Understanding between the Transport Workers Union and the City and County of San Francisco effective July 1, 1996, as amounts which the City agreed to pay into the Transport Workers Union-San Francisco Municipal Transportation Trust Fund in fiscal years 1994/95 and 1996/97 which exceed the level of permissible payments to the Transport Workers Union-San Francisco Municipal Railway Trust Fund.

(b) **Use of Fund.** The fund shall be used exclusively for the purposes of improving operations,

efficiency and service of the Municipal Transportation Agency and may include any expenditure lawful under the City Charter, which may include but are not limited to such uses as the implementation of the "Ambassador" program and "Friends of Muni" programs currently under discussion between the Municipal Railway Department and the Transport Workers Union; employee health facilities; and employee child care facilities.

(c) **Exceptions to Fund Category.** Such expenditures shall be authorized by majority vote of the same individuals serving as the Trustees of the Municipal Railway Trust Fund. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-159. MUNICIPAL TRANSPORTATION INFORMATION FUND.

(a) **Establishment of Fund.** The Municipal Transportation Information Fund is established as a category six fund to receive all proceeds from (1) the sale of monographs and illustrated printed materials dealing with San Francisco transit history and operations, (2) souvenir items, including those converted from the transit system's scrap and waste materials, and (3) any gift, devise or bequest for the purposes authorized in (b). The Municipal Railway is hereby authorized to accept any gift, devise or bequest for this purpose. The department is hereby authorized to reproduce or otherwise prepare and sell such materials. The sales price for said items shall be fixed jointly by the General Manager of the Municipal Transportation Agency and the Purchaser of Supplies.

(b) **Use of Fund.** The monies received into the fund are to be used exclusively to encourage patronage of the Municipal Transportation Agency through increased public awareness of the advantages of its services, facilities and programs.

(c) **Exceptions to Fund.** Any balance remaining in the fund at the end of any fiscal year greater than \$10,000 shall be transferred to the General Fund.

(d) **Administration of Fund.** An annual report shall be submitted in writing to the Mayor, the Controller, and the Board of Supervisors showing the total receipts and disbursements of the preceding year together with a description of the items prepared for sale. The provisions of Section 8.12 of Chapter

8 of this Administrative Code shall not apply to monographs and sales made under the authority of this Section. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-162. MUNICIPAL TRANSPORTATION OPERATORS LOUNGE FACILITIES FUND.

(a) **Establishment of Fund.** The Municipal Transportation Operators Lounge Fund is established as a category six fund for the purpose of receiving the net proceeds from sales from vending machines installed in Municipal Transportation Agency galley rooms or other appropriate places as designated by the Municipal Transportation Commission, which authority it may delegate to the General Manager of the Municipal Transportation Agency.

(b) **Use of Fund.** Notwithstanding the provisions of Section 4.5 of this Code, the fund shall be used exclusively for the purpose of establishing and maintaining lounge and rest facilities for Municipal Transportation Agency operators.

(c) **Exceptions to Fund Category.** All expenditures therefrom shall be approved by the Municipal Transportation Commission, which approval authority it may delegate to the General Manager of the Municipal Transportation Agency. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-164. MUNICIPAL TRANSPORTATION PARATRANSIT FUND.

(a) **Establishment of Fund.** The Municipal Transportation Paratransit Fund is established as a category eight fund to be known as the Municipal Transportation Paratransit Fund for the purpose of receiving all donations of money, property and personal services which may be offered to the City and County of San Francisco through the Municipal Transportation Commission for the use and benefit of the Paratransit Fund.

(b) **Use of Fund.** Monies in the fund are to be expended solely to provide and improve paratransit services offered by the Municipal Transportation Agency.

(c) **Exceptions to Fund Category.** Money, property and personal services comprising the Paratransit Fund shall be used and expended at the

discretion of the General Manager and approved by the Municipal Transportation Commission. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-166. PLANNING CODE ENFORCEMENT FUND.

(a) **Establishment of Fund.** The Planning Code Enforcement Fund is established as a category four fund to receive funds collected, pursuant to Section 610 of the Planning Code, for penalties and fees assessed for violations of regulations governing general advertising signs.

(b) **Use of Fund.** Proceeds in the fund are to be expended as follows: (i) administration and enforcement of the Planning Code's sign regulations, including but not limited to funding Planning Department personnel assigned to work on administration and enforcement of sign regulations, and the services of the City Attorney; (ii) to the extent authorized by state law, penalties and fees collected by the City Attorney in any action to abate violations of the Planning Code's sign regulations shall be used to fund administration and enforcement of the sign regulations including the services of the City Attorney. (Added by Ord. 71-01, File No. 001391, App. 5/18/2001)

SEC. 10.100-170. POLICE CRIMINALISTICS LABORATORY FUND.

(a) **Establishment of Fund.** The Police Criminalistics Laboratory Fund is established as a category two fund to be designated as the Police Criminalistics Laboratory Fund for the purpose of receiving money paid by persons convicted of the controlled substance violations set forth in Section 11372.5 of the California Health and Safety Code, which provides that persons so convicted shall pay a criminal laboratory analysis fee.

(b) **Use of Fund.** The fund may be used for the following purposes: (1) costs incurred by the criminalistics laboratory in providing microscopic and clinical analyses for controlled substances; (2) the purchase and maintenance of equipment for use by the laboratory in performing the analyses; and (3) for continuing education, training and scientific development of forensics scientists regularly employed by the laboratory. In addition, monies from the fund may be expended to cover the costs incurred in administering the fund.

(b) **Exceptions to Fund Category.** At the end of each fiscal year, any amount of monies remaining in the fund after expenditures have been made for the purposes specified above shall be distributed annually in accordance with the allocation scheme for distribution of fines and forfeitures set forth in Section 11502 of the California Health and Safety Code (75 percent paid to State Treasurer and 25 percent retained by the City and County). (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-174. POLICE FINGERPRINT PROCESSING FUND.

(a) **Establishment of Fund.** The Police Fingerprint Processing Fund is established as a category two fund to receive fees collected by the Police Department for services rendered in connection with the imprinting and processing of fingerprints.

(b) **Use of Fund.** This fund shall be used solely for the following purposes: to pay any and all fees necessary to any other governmental agency required by law to collect fees from the Police Department for services rendered in connection with the imprinting or processing. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-176. POLICE HALL OF JUSTICE GYMNASIUM FUND.

(a) **Establishment of Fund.** The Police Hall of Justice Gymnasium Fund is hereby established as a category six for the purpose of receiving any donations, gifts or bequests of money or property, and fees from annual dues offered for the purchase or maintenance of exercise equipment for the Police Department's Hall of Justice gymnasium.

(b) **Use of Fund.** The fund shall be used exclusively for the purpose of purchasing and maintaining exercise equipment for the Police Department's gymnasium for use by City and County employees assigned to the Hall of Justice who pay personally or through their agency a \$60 annual fee.

(c) **Exceptions to Fund Category.** All expenditures from the fund shall be approved by the Police Commission which may delegate approval authority to the Chief of Police. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

**SEC. 10.100-180. POLICE OFFICERS'
TRAINING FUND.**

(a) **Establishment of Fund.** The Police Officers' Training Fund is established as a category two fund to receive all deposits, not to exceed \$700,000, allocated by the Commission on Peace Officer Standards and Training to the City and County from the Peace Officers' Training Fund maintained by the State Treasury.

(b) **Use of Fund.** Monies in the fund shall be used exclusively for the recruitment and training of members of the uniformed force of the Police Department in San Francisco, including but not limited to expenses incurred in the recruitment of qualified officers, purchase of equipment and training aids, expenses incurred in attending seminars, training schools and conferences, expenses incurred in assigning officers on an overtime basis to fill the regular duty assignments of officers being trained and such other expenses as may be incurred in the recruitment and training of members of the Police Department.

[Section 10.100-180 continues on page 315.]

[Section 10.100-180 continues on page 315.]

(c) **Administration of Fund.** The provisions of this ordinance shall be reviewed annually commencing on the effective date hereof. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-182. POLICE PROJECT SAFE FUND.

(a) **Establishment of Fund.** The Police Project SAFE Fund is hereby established as a category one fund for the purpose of receiving all cash gifts, donations and contributions of money that may from time to time be offered to the Police Department for "Project San Francisco SAFE."

(b) **Use of Fund.** The monies accepted into the fund may be expended solely for Project San Francisco SAFE. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-185. POLICE VEHICLE THEFT CRIMES FUND.

(a) **Establishment of Fund.** The Police Vehicle Theft Crimes Fund is established as a category six fund to receive money which reflects the California Department of Motor Vehicles' \$1 surcharge on vehicles registered to a San Francisco address pursuant to California Vehicle Code Section 9250.14.

(b) **Use of Fund.** The fund shall be used exclusively for deterring, investigating or prosecuting vehicle theft crimes, and consistent with any state guidelines for their use. No costs which may be incurred by any City department in administering this fund shall be recovered therefrom.

(c) **Exceptions to Fund Category.** The Chief of Police may only authorize expenditures from the fund following acceptance of monies by the Police Commission. The balance remaining in this fund after December 31, 1995, shall be returned to the State Controller for deposit in the Motor Vehicle account in the State Transportation Fund. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-195. PUBLIC HEALTH EMERGENCY MEDICAL SERVICES FUND.

(a) **Establishment of Fund.** Pursuant to Government Code Section 76104 and Resolution No. 713-92 of the Board of Supervisors of the City and County of San Francisco, the Public Health Emergency Medical Services Fund is established as a

category six fund for the purpose of receiving money obtained from the penalty assessment provided in Government Code Section 76000.

(b) **Use of Fund.** Pursuant to Government Code Section 76104, the moneys in such fund, together with any interest earned thereon, shall be payable only for the purposes specified in Chapter 2.5 (commencing with Section 1797.98a) of Division 2.5 of the Health and Safety Code. The administration and use of the fund shall be consistent with the requirements of Health and Safety Code Section 1797.98a through 1797.98g now in effect or as hereafter amended. Up to, but no more than, 10 percent of the amount of the fund may be used for the costs of administering the fund.

Thereafter, (1) 58 percent of the money in the fund shall be used to reimburse claims from physicians for payment for emergency services provided by all physicians, except those physicians employed by county hospitals or district hospitals, in general acute care hospitals that provide basic or comprehensive emergency services up to the time the patient is stabilized, when such services would otherwise be uncompensated, (2) 25 percent of the money in the fund shall be distributed only to hospitals providing disproportionate trauma and emergency medical care services, and (3) 17 percent of the money in the fund shall be distributed for other emergency medical services as determined by the Director of Public Health. Interest earned on the 83 percent portion of the fund to be used to reimburse claims shall be used for the same purpose. Interest earned on the 17 percent portion of the fund to be used for other emergency medical services shall be used for the same purpose. If, of the 83 percent portion of the fund, money remains after reimbursing all appropriate and approved; claims for a disbursement period, that money shall only be used to reimburse claims in one or more future disbursement periods.

(c) **Exceptions to Fund Category.** Any expenditures in excess of \$5,000 for any one payee shall require the approval, by appropriation ordinance, of the Board of Supervisors.

(d) **Administration of Fund.** The Director of Public Health shall determine which claims shall be reimbursed by the fund and the appropriate amount of reimbursement, provided that no physicians shall be reimbursed greater than 50 percent of their losses in

accordance with Health and Safety Code Section 1797.98c. Since it is anticipated that the fund will only be sufficient to reimburse a fraction of requests for reimbursement from physicians, the Director shall equitably prorate payments so that the amount of payments from the fund is based upon the magnitude of a physician's losses. The Controller shall be responsible for all other administrative duties with respect to the fund, including, but not limited to, establishing procedures and time schedules for the submission and processing of claims. The Controller shall report to the State Legislature on the implementation and status of the fund as required in Health and Safety Code Section 1797.98b. The Controller and Director of Public Health shall separately or jointly issue rules and regulations governing any matters relating to the fund and the reimbursement procedures and limitations, consistent with the requirements of Health and Safety Code Sections 1797.98a through 1797.98g. Before issuing or amending any regulations, these officers shall provide a 30-day public comment period by providing published notice in an official newspaper of general circulation in the City of the intent to issue or amend the regulations. The Director of Public Health shall provide a quarterly report to the Budget Analyst of all expenditures made from this fund during the immediately preceding three months. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-198. PUBLIC HEALTH ENVIRONMENTAL ENFORCEMENT FUND.

(a) **Establishment and Use of Fund.** The Public Health Environmental Enforcement Fund is established as a category six fund to receive fines and penalties collected pursuant to the California Hazardous Waste Control Act and distributed by the California Department of Health Services to the local health officer under California Health and Safety Code Section 25192 as provided for in the Memorandum of Understanding between the California Department of Health Services and the City and County of San Francisco (hereinafter referred to as "MOU"), copies of which are on file with the Clerk of the Board of Supervisors.

(b) **Use of Fund.** The monies are to be used exclusively to fund the activity of the Director of the Department of Public Health to enforce the provisions

of the Hazardous Waste Control Act in accordance with Health and Safety Code Section 25192. At the request of the Director of the Department of Public Health, funds shall be distributed to the San Francisco Police Department, the San Francisco Sheriffs Department or the California Highway Patrol, as provided pursuant to Health and Safety Code Section 25192(a)(3).

(c) **Administration of Fund.** Pursuant to the provisions of the MOU the Director of the Department of Public Health or his designee shall maintain for five years books, and records, documenting use of the funds, and shall report quarterly to the California Department of Health Services on the amount of funds received. Such quarterly reports shall contain the information and be filed on the dates specified in the MOU. The Director of Health shall forward copies of the reports submitted to the California Department of Health Services to the Clerk of the Board of Supervisors and the Mayor. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-201. PUBLIC HEALTH GIFT FUNDS.

(a) **Establishment of Funds.** There are hereby established category eight funds for the Department of Public Health for the purpose of receiving all gifts, donations and contributions of money or personal property of less than \$25,000 in value or amount, which may from time to time be received by the City through the Health Commission to be used for the general benefit and comfort of patients of the Department of Public Health without expense other than what may be necessary for proper maintenance, are hereby accepted exclusively for such purposes. All cash received and accepted hereunder for the general benefit and comfort of patients of the San Francisco General Hospital shall be deposited in a special fund to be known as the "San Francisco General Hospital Gift Fund," a public trust; all cash received and accepted hereunder, for the general benefit and comfort of patients of the Laguna Honda Hospital shall be deposited in a special fund to be known as the "Laguna Honda Hospital Gift Fund," a public trust; all cash received and accepted hereunder for the general benefit and comfort of patients of any other division of the Department of Public Health shall be deposited in any appropriate

special fund established for such purposes; and all cash received and accepted hereunder for purposes of methadone treatment shall be deposited in a special fund to be known as the "Public Health Methadone Treatment Fund." As to all other forms of gifts or contributions received and accepted hereunder, the Health Commission shall promptly inventory such gifts and contributions and provide the Controller with a copy of such inventory.

(b) **Use of Funds.** All expenditures from any of said funds shall be made for the purposes for which the gift or donation was originally made.

(c) **Exceptions to Fund Category.** All expenditures from the fund require the approval of the Public Health Commission.

(d) **Administration of Fund.** The Department of Public Health shall, on an annual basis, within the first two weeks of July, report in writing to the Board of Supervisors a listing of all gifts, donations and contributions of money or personal property of less than \$25,000 in value or amount. The report shall list the nature, amount and disposition of these gifts, donations and contributions. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-207. PUBLIC HEALTH LABORATORY FUND.

(a) **Establishment of Fund.** The Public Health Laboratory Fund is hereby established as a category two fund for the purpose of receiving fees and gifts collected for the benefit of the Public Health Laboratory.

(b) **Use of Fund.** Said special fund shall be used solely for the following purposes: (1) Purchase of required materials for the conduct of laboratory educational programs (manuals, books, audio tapes, audio-visual aids); (2) staff development program in support of laboratory activities including travel, tuition, and fees; and (3) other expenses incidental to laboratory enhancement including equipment, materials and supplies.

(c) **Administration of Fund.** Expenditure of monies from the fund shall be approved by the Director of Health and the Health Commission. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-209. PUBLIC HEALTH LAGUNA HONDA HOME TRUST FUND.

(a) **Establishment of Fund.** The Public Health Laguna Honda Home Trust Fund is established as a category eight fund into which shall be placed deposits made by patients at Laguna Honda Home.

(b) **Use of Fund.** Any patient at Laguna Honda Home may deposit in this trust fund any money received by and belonging to him or her, and may, except as herein otherwise provided, withdraw such deposits as needed for his or her personal incidental expenses or other purposes; provided, however, that every patient who is obligated to pay for his or her care as determined under the provisions of Section 151.1 of Article 3, Chapter V, Part II of the San Francisco Municipal Code, shall deposit monthly in the trust fund an amount not less than the sum so set for monthly repayment by him or her to Laguna Honda Home for the cost of such care. Any money deposited to the account of such patient in excess of the amount to be so paid for care may be withdrawn by the depositor at any time, for personal incidental needs or otherwise. At the end of such month, the amount to be paid to Laguna Honda Home for the patient's care shall be transferred from the trust fund and credited to Laguna Honda Home; and the patient's trust fund account shall be so charged.

Upon discharge or withdrawal of a patient from Laguna Honda Home, any unearned portion of the monthly charge for institutional care will be refunded to the patient, together with any and all other amounts on deposit in his or her name in the trust fund.

For the purpose of facilitating the withdrawal of moneys belonging to the patients, the Superintendent of Laguna Honda Home may maintain, as a part of the trust fund, a revolving fund in such amount as shall be authorized by the Health Commission with the concurrence of the Controller. Such revolving fund may be maintained in cash at the office of Laguna Honda Home or may be deposited in such bank or banks as the Superintendent of Laguna Honda Home may direct.

(c) **Administration of Fund.** The Superintendent of Laguna Honda Home shall cause full, true and correct records to be maintained currently regarding the receipt and disbursement of all moneys

belonging to any such patients on deposit in the Laguna Honda Home Trust Fund, and for that purpose shall maintain individual accounts for each such patient. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-211. PUBLIC HEALTH LAGUNA HONDA HOME WORKSHOP FUND.

(a) **Establishment of Fund.** The Public Health Laguna Honda Home Workshop Fund is established as a category six fund to receive any and all monies received from the sale of any articles, including baskets, rugs and other merchandise to be made by the inmates of the Laguna Honda Home. Authorization is hereby granted to the Director of Public Health for the sale of such baskets,

(b) **Use of Fund.** The fund shall be used exclusively for (1) payment of salaries to inmates working in the shop; (2) contractual services, materials and supplies and equipment for the shop; and (3) such things as may be for the general welfare of the inmates of Laguna Honda Home which are not provided for them by other appropriations, when such expenditures are approved by the Director of Public Health. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-215. PUBLIC HEALTH SAN FRANCISCO GENERAL HOSPITAL TRUST FUND.

(a) **Establishment of Fund.** The San Francisco General Hospital Trust Fund is established as a category eight fund into which shall be placed deposits made by long-term care patients at the San Francisco General Hospital.

(b) **Use of Fund.** Long-term care patients at the San Francisco General Hospital may deposit in this trust fund any money received by and belonging to him or her, and may, except as herein otherwise provided, withdraw such deposits as needed for his or her personal incidental expenses or other purposes; provided, however, that every patient who is obligated to pay for his or her care as determined under the provisions of Section 115.1 of Article 3, Chapter V, Part II of the San Francisco Municipal Code (Health Code), shall deposit monthly in the trust fund an amount not less than the sum so set for monthly repayment by him or her to the San Francisco General

Hospital for the cost of such care. Any money deposited to the account of such patient in excess of the amount to be so paid for care may be withdrawn by the depositor at any time, for personal incidental needs or otherwise. At the end of such month, the amount to be paid to the San Francisco General Hospital for the patient's care shall be transferred from the trust fund and credited to the San Francisco General Hospital; and the patient's trust fund account shall be so charged. Upon discharge or withdrawal of a patient from the San Francisco General Hospital; any unearned portion of the monthly charge for institutional care will be refunded to the patient, together with tiny and all other amounts on deposit in his or her name in the trust fund.

For the purpose of facilitating the withdrawal of moneys belonging to long-term care patients, the Executive Administrator of San Francisco General Hospital may maintain, as a part of the trust fund, a revolving fund in such amount as shall be authorized by the Health Commission with the concurrence of the Controller. Such revolving fund may be maintained in cash at San Francisco General Hospital or may be deposited in such banks as the Executive Administrator of San Francisco General Hospital may direct.

(c) **Administration of Fund.** The Executive Administrator of San Francisco General Hospital shall cause full, true and correct records to be maintained currently regarding the receipt and disbursement of all moneys belonging to any such long-term care patients on deposit in the San Francisco General Hospital Trust Fund, and for that purpose shall maintain individual accounts for each such patient. Management of such individual accounts for long-term patients shall indicate the following:

Interest. Any deposit made by the patient in excess of \$50 shall be placed in an interest-bearing account and such interest shall accrue for the benefit of the patient;

Quarterly Statements. Individual financial records shall be available through quarterly statements and on request of the patient or his or her legal representative; and

Death. Upon the death of a patient, the patient's funds and a final accounting of these funds shall be conveyed to the individual or probate jurisdiction administering the patient's estate. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

**SEC. 10.100-218. PUBLIC HEALTH
TOBACCO SETTLEMENT REVENUE FUND.**

(a) **Establishment of Fund.** The Public Health Tobacco Settlement Revenue Fund is established as a category four fund. Within this fund, separate accounts shall be established and receive funds as follows:

1. The first \$1,000,000 of monies received by the City and County of San Francisco (the "City") in each fiscal year pursuant to that certain Master Settlement Agreement dated November 16, 1998 (the "Agreement") shall be credited to an account known as the "Tobacco Education and Control Revenue Sub-account";

2. Any additional monies received by the City in each fiscal year pursuant to the Agreement shall be deposited into an account known as the "Tobacco Settlement Revenue Sub-account."

(b) **Use of Fund.** The monies deposited in the Tobacco Education and Control Revenue Sub-account shall be expended solely, for tobacco education, prevention and control purposes. The monies deposited into the Tobacco Settlement Revenue Sub-account shall be expended as follows:

1. For the payment of costs of acquisition, improvement, construction and/or reconstruction of a health care, assisted living and/or other type of continuing care facility or facilities to replace Laguna Honda Hospital (collectively, the "Project");

2. For the payment in any fiscal year of all principal, interest, premium and all other payments required pursuant to any documents authorizing any bonded debt or other evidences of indebtedness or lease financing issued, incurred, created by, or on behalf of, the City in connection with the acquisition, improvement, construction and/or reconstruction of the Project (the "Bonds");

3. From amounts received by the City under the Agreement and deposited into the Tobacco Settlement Revenue Sub-account prior to the issuance of the Bonds, for transfer in fiscal year 2003-2004 to the General Fund for payment of certain costs of the Department of Public Health, provided that the amount so transferred shall not exceed \$25,005,644.60; and

4. For transfer to the General Fund only after making provision for the requirements of (1) through (3) above.

(c) **General Fund Guarantee.** If and when the Director of Public Finance certifies that (i) the City has not received Tobacco Settlement Revenues in amounts sufficient to contribute \$100,000,000 to finance the Project and (ii) the Project requires a payment equal to the difference between \$100,000,000 and the amount of Tobacco Settlement Revenues actually expended to finance the Project (the "Shortfall") to achieve completion, then the City shall transfer from the General Fund an amount equal to the lesser of the Shortfall or \$25,005,644.60. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000 ; amended by Ord. 191-03, File No. 030992, App. 7/25/2003)

**SEC. 10.100-221. PUBLIC HEALTH
SUBSTANCE ABUSE AND CRIME
PREVENTION ACT TRUST FUND.**

(a) **Establishment of Fund.** The Public Health Substance Abuse and Crime Prevention Act Trust Fund is established as a category four fund to receive all funds from the California Department of Alcohol and Drug Programs pursuant to the Substance Abuse and Crime Prevention Act of 2000.

(b) **Use of the Fund.** Monies deposited in the fund shall be expended only for the purposes enumerated in the Act and in the California Code of Regulations, Title 9, Division 4, Chapter 2.5.

(c) **Administration of Fund.** The Department of Public Health is hereby designated to be the lead agency responsible for administration of the fund as required under California Code of Regulations, Title 9, Section 9515(b)(1). As the lead agency, the Department of Health will carry out the responsibility of implementing the Substance Abuse and Crime Prevention Act of 2000 for the City and County of San Francisco. (Added by Ord. 30-01, File No. 010061, App. 3/6/2001)

**SEC. 10.100-227. PUBLIC WORKS
ADOPT-A-TREE FUND.**

(a) **Establishment and Use of Fund.** The Public Works Adopt-A-Tree Fund is established as a category eight fund to receive all monetary donations, administrative fees, permit fees, fines, liens, and in-lieu fees pursuant to Article 16 of the Public Works Code which may be offered to or collected by the City

and County for the planting and maintenance of trees by the Department of Public Works.

(b) **Use of Fund.** The fund shall be expended solely for the purposes of planting and maintaining trees under the jurisdiction of the Department of Public Works.

(c) **Administration of Fund.** The Department of Public Works shall submit to the Board of Supervisors on a quarterly basis a written report of revenues to and expenditures from the fund. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-230. PUBLIC WORKS EXCAVATION FUND.

(a) **Establishment of Fund.** The Public Works Excavation Fund is established as a category eight fund to receive all amounts paid pursuant to Section 11.9 of the Administrative Code and Article 2.4 of the Public Works Code (Part II, Chapter 10 of the San Francisco Municipal Code) with the exception of Street Damage Restoration Fees paid pursuant to Section 2.4.44 of the Public Works Code.

(b) **Use of Fund.** Monies in the Excavation Fund shall be used exclusively to defray City costs in connection with excavation and the administration of Article 2.4. of the Public Works Code, including, but not limited to, administration, construction, consultants, equipment, inspection, legal services, remediation, repair, restoration, training, travel, and other costs incurred by the City as well as to defray City costs in connection with the administration of Section 11.9 of the Administrative Code. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000; amended by Ord. 33-02, File No. 020051, App. 3/28/2002)

SEC. 10.100-233. PUBLIC WORKS LITTER CONTROL FUND.

(a) **Establishment of Fund.** The Public Works Litter Control Fund is hereby established as a category six fund for the purpose of receiving all cash gifts, donations and contributions of money that may from time to time be offered to the City and County through any of its officers, boards or commissions for litter control.

(b) **Use of Fund.** All monies deposited into the fund shall, consistent with the gift, donation, or contribution, be expended for litter control.

(c) **Exceptions to Fund Category.** All expenditures from the fund shall be made upon the recommendation of the Director of Public Works and subject to the approval of the Mayor or the Mayor's designee. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-234. PUBLIC WORKS LITTERING, NUISANCE AND GRAFFITI VIOLATION REWARD FUND.

(a) **Establishment of Fund.** The Public Works Littering, Nuisance and Graffiti Violation Reward Fund (the "Reward Fund") is established as a category six fund to receive the administrative penalties authorized and collected pursuant to Police Code Section 37(c), Health Code Sections 283.1, 287, and 600, and Public Works Code Section 174.2.

(b) **Use of Fund.** Monies in the fund shall be used exclusively by the Director of Public Works ("the Director") to reward citizens in the following manner:

(1) Any person or persons providing information that leads, in the judgment of the Director, to the imposition of administrative penalties under Police Code Section 37(c), Health Code Sections 283.1, 287, and 600, and Public Works Code Section 174.2, shall receive 50 percent of the administrative penalties collected through that information pursuant to any of those sections, provided that the person or persons apply for the reward within 90 days of the imposition of the penalty. Administrative penalties that are not collected as a result of information provided by private persons, or not timely claimed for reward in accordance with this section, shall be used by the Department of Public Works to defray administrative and clean-up costs associated with litter and nuisance abatement and for any rewards specified in subparagraph (b)(2) of this Section.

(2) Any person or persons providing information that leads, in the judgment of the Director, to the arrest and conviction of a person who defaces public or private property with graffiti or other inscribed material in violation of California Penal Code Section

594(a)(1) shall receive \$250 from this Reward Fund, provided that the person or persons apply for the reward within 90 days of the arrest and conviction. (Added by Ord. 292-04, File No. 040561, App. 12/24/2004; amended by Ord. 90-05, File No. 050434, App. 5/20/2005)

SEC. 10.100-236. PUBLIC WORKS NUISANCE ABATEMENT AND REMOVAL FUND.

(a) **Establishment of Fund.** The Public Works Nuisance Abatement and Removal Fund is established as a category six fund for the purpose of abating and removing nuisances in accordance with San Francisco Public Works Code Sections 174—174.13. Any monies appropriated by the Board of Supervisors or collected by the Director of Public Works for this purpose and sums received in consideration of the release of liens and payment of special assessments shall be deposited in the special fund.

(b) **Use of Fund.** The fund shall be expended exclusively to pay for the abatement and removal of nuisances as provided by Public Works Code Sections 174—174.13 and to pay for costs which may be incurred by the Department of Public Works in administering its duties pursuant to such code sections. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-239. PUBLIC WORKS STREET DAMAGE RESTORATION FUND.

(a) **Establishment of Fund.** The Public Works Street Damage Restoration Fund is established as a category eight fund for the purpose of receiving Street Damage Restoration Fee amounts paid pursuant to Section 2.4.44 of the Public Works Code (Part II, Chapter 10 of the San Francisco Municipal Code).

(b) **Use of Fund.** Monies in the Street Damage Restoration Fund shall be used exclusively for street resurfacing and reconstruction. Notwithstanding the foregoing, the Director of the Department of Public Works may order refunds to be made from the Street Damage Restoration Fund consistent with procedures adopted pursuant to Section 2.4.46 of the Public Works Code. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-247. RECREATION AND PARKS ANIMAL PURCHASE AND EXCHANGE FUND.

(a) **Establishment of Fund.** The Recreation and Parks Animal Purchase and Exchange Fund is established as a category six fund to receive funds derived from the sale or exchange of animals at the San Francisco Zoological Gardens, said special fund to be known as the Animal Purchase and Exchange Fund.

(b) **Use of Fund.** Said special fund shall be used solely for expenses necessary for, and incidental to the purchase, sale or exchange of animals for the San Francisco Zoological Gardens, including, but not limited to, the following:

(1) Administrative expenses other than the payment of salaries to City and County employees and officials;

(2) Freight or shipping charges;

(3) Insurance requirements;

(4) The purchase or construction of crates for transportation;

(5) Expenses incurred in obtaining any permits, including federal or state permits, or permits from foreign entities;

[Section 10.100-247 continues on page 321.]

(6) Expenses arising when a quarantine of an animal is necessary; and

(7) The purchase price of animals.

(c) **Exceptions to Fund Category.** All expenditures in excess of \$10,000 shall require approval of the Board of Supervisors.

(d) **Administration of Fund.** All expenditures and any remaining balances in the fund shall be reported to the Board of Supervisors each year concurrent with the submission of the budget. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-249. RECREATION AND PARKS CHINATOWN OPEN SPACE FUND.

(a) **Establishment of Fund.** The Recreation and Parks Chinatown Open Space Fund is established as a category six fund for the purpose of acquiring, improving and/or maintaining open space resources and park land and park facilities as defined in Section 135.1 of the San Francisco Municipal, which is expected to be used solely or in substantial part by persons who live, work, shop or otherwise do business in the Chinatown Mixed Use Districts as defined in Sections 810.1, 811.1 and 812.1 of the City Planning Code and as identified on Sectional Map 1 of the Zoning Map of the City and County of San Francisco.

(b) **Use of Fund.** The fund shall be used solely for the purpose of such acquisition, improvement, maintenance and related expenses including the planning, design and engineering of specific projects. Expenditures from the fund shall be for facilities located within the Chinatown Mixed Use Districts.

(c) **Exceptions to Fund Category.** Expenditures from the fund shall be authorized jointly by the Recreation and Parks Commission and the City Planning Commission, consistent with the procedures described in (d).

(d) **Administration of Fund.** The fund shall be administered jointly by the Recreation and Park Commission and the City Planning Commission. The two Commissions shall conduct business related to their duties under this Section at joint public hearings, which hearings may be initiated by either the Recreation and Park Commission or the City Planning Commission. Recommendations shall be made annually for expenditures from this fund by the General Manager of the Recreation and Parks Department in consultation with the Department of

City Planning and presented to both Commissions at a joint public hearing to elicit public comment on proposals for the acquisition of, improvement or maintenance of property using monies in the fund. Notice of any joint public hearings shall be published in an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the time, place and purpose of the hearing. The hearing may be continued to a later date by a majority vote of the members of both Commissions present at the hearing. At a joint public hearing, a quorum of the membership of each Commission may vote to allocate the monies in the fund for acquisition of property and/or for the development, improvement or maintenance of property as established in Section 10.203(a), above, including property, such as an alleyway, which may not always be appropriate as a Recreation and Park property. The Controller's Office shall file an annual report with the Board of Supervisors, which shall set forth the amount of money collected in the fund. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-251. RECREATION AND PARKS DOLPHIN CLUB FUND.

(a) **Establishment of Fund.** The Recreation and Parks Dolphin Club Fund is established as a category four fund into which shall be deposited all gifts, donations and contributions which may be offered to the City and County for the purpose improving the Dolphin Swimming and Boating Club located at Aquatic Park.

(b) **Uses of Fund.** All monies in the fund shall be expended solely for the purposes of constructing, reconstructing, restoring, repairing, or improving the grounds, buildings and/or facilities of the Dolphin Swimming and Boating Club located at Aquatic Park.

(c) **Administration of Fund.** All expenditures from such fund shall be made by the Controller to the Recreation and Park Department upon request by that department, provided that such request is accompanied by a written statement that the expenditures are solely for the purposes described above. The Recreation and Park Department shall, upon approval of the Recreation and Park Commission, authorize the expenditures of such funds solely for the purposes set forth above. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-253. RECREATION AND PARKS FISH AND GAME PROPAGATION FUND.

(a) **Establishment of Fund.** For the purpose of carrying out the provisions of Sections 13000 et seq. of the Fish and Game Code of the State, insofar as the provisions of such section apply to the expenditure of moneys by the City and County for propagation and conservation of fish and game, the Recreation and Parks Fish and Game Propagation Fund is established as a category four fund into which shall be paid, all and singular, the moneys to which the City and County is entitled under and pursuant to the provisions of Sections 13000 et seq. of the Fish and Game Code of the State.

(b) **Use of Fund.** The fund, as provided in Section 13100 of the Fish and Game Code, are to be expended for the propagation and conservation of fish and game within or outside the City and County, or for educational and youth activities relating to fish and game. These funds shall not be expended for the protection or preservation of domestic livestock or poultry or for predator control unless the action is undertaken to benefit wildlife. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-255. RECREATION AND PARKS GOLDEN GATE PAVILION FUND.

(a) **Establishment of Fund.** The Recreation and Parks Golden Gate Pavilion Fund is established as a category four fund to receive all donations of money which may be offered to the City and County to support the restoration or maintenance of the Golden Gate Pavilion and the park area immediately surrounding it.

(b) **Use of Fund.** The monies in this fund shall be expended solely for the purposes of restoration or maintenance of the Golden Gate Pavilion and the park area immediately surrounding it. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-256. SAN FRANCISCO RECREATION AND PARKS GOLF FUND.

(a) **Establishment of Fund.** The San Francisco Recreation and Parks Golf Fund is hereby established as a category four fund to receive, effective July 1, 2002, all revenues derived from any golf course (the "Golf Courses") under the jurisdiction of the Recreation and Park Department of the City and County of

San Francisco (the "Department"). "Revenues" shall mean any and all proceeds derived from the Golf Courses due to the City and County of San Francisco, including, but not limited to, merchandise and services sold, leased or licensed from any of the Golf Courses; admission fees, entry fees, greens fees, driving range fees, tournament fees, instructional fees, reservation fees, membership and club dues and other fees and dues of any kind (including nonrefundable deposits) received at any of the Golf Courses; the operation of restaurants, bars, cocktail lounges, banquet facilities, and any other food or beverage operations or sales on any of the Golf Courses premises; proceeds from any parking facilities at the Golf Courses; and rent or other fees for the use of any clubhouse facilities located at the Golf Courses.

(b) **Use of Fund.** Monies in the San Francisco Recreation and Parks Golf Fund shall be used solely for the following purposes and in the order of priority set forth below:

1. Operation and maintenance of the Golf Courses pursuant to budgets for each Golf Course annually approved by the Recreation and Park Commission, which costs may include, without limitation, personnel costs, the purchase, leasing and maintenance of equipment, the purchase of supplies for the Golf Courses and any clubhouses or other facilities at the Golf Courses, training costs, management fees, general and administrative costs, and utilities, and other direct and indirect costs attributable to the Golf Courses, provided that the Department shall not cause the maintenance standards for the Harding Park Golf Course to exceed the Maintenance Standards for Harding Park set forth in the City's Master Tournament Agreement with the PGA TOUR.

2. An annual set aside within the Golf Fund of Two Hundred and Fifty Thousand Dollars (\$250,000.00), increasing by the Consumer Price Index each year, beginning within twelve (12) months after Harding Park reopens after renovation (the "Project") and occurring every fiscal year thereafter, to be used exclusively for capital improvements at Harding Park, such capital improvements set aside to be used exclusively for the repair and replacement of capital items at Harding Park, including any improvements, fixtures, furniture or equipment, which, over time, are subject to wearing out after a useful life,

pursuant to a Harding Park Capital Improvement Plan approved by the Recreation and Park Commission. Upon future renovations of Golf Courses other than Harding Park, additional annual set asides for capital improvements shall be established for each such improved Golf Course;

3. Payments to the Park, Recreation and Open Space Fund (the "Fund"), as described in City Charter Section 16.107, on a schedule and in amounts sufficient to pay the capital portion of the Fund in full the cost of principal used for the Project paid from the proceeds of applicable State grant programs and excluding any charitable donations, beginning upon the conclusion of the Project, plus to pay the Fund generally interest on such principal amount at an annual rate determined once a year by the Commission, provided that such interest rate shall at least equal the greater of (i) the City's cost of borrowing funds under the Fund if and to the extent it has at the time the Commission makes such determination outstanding bonded indebtedness under the fund or (ii) one percent less than the Prime domestic commercial lending rate in effect at such time of Bank of America or such other major financial institution selected by City, compounded annually, within twenty-five (25) years, provided further that in any year that the actual annual Net Cash Flow received by the Department from the operation of the Harding Park and Fleming golf courses ("Actual Net Cash Flow") exceeds the projected Net Cash Flow for such year shown in the applicable pro forma financial analysis attached as Exhibits 6-11 (depending upon which fee structure is approved by the Recreation and Park Commission) to the Economic Feasibility Report by Economic Research Associates dated March 2002 filed with the Clerk of the Board in File No. 020197 herewith (the "Baseline Cash Flow"), twenty five percent (25%) of the difference between such Actual Cash Flow and the Base Line Cash Flow (hereinafter, the difference between Actual Net Cash Flow and Baseline Net Cash Flow in any given year shall be referred to as the "Bonus Profit") shall be applied to accelerate repayment of the Fund under this Section B(3), and provided further that in any year in which the Bonus Profit exceeds One Million Dollars (\$1,000,000), fifty percent (50%) of any Bonus Profit shall be applied to accelerate repayment of the Fund under this Section B(3);

4. Improvements, renovations and capital expenditures at any of the Golf Courses upon approval of any such expenditures by the Recreation and Park Commission; and

5. Repayment of principal and interest thereupon for improvements and renovations at any of the Golf Courses upon necessary approvals by the Recreation and Park Commission and the Board of Supervisors of the issuance of debt or repayment thereof from this fund;

6. Capital improvements to the park and recreation areas contiguous to Harding Park and under the Department's jurisdiction, pursuant to plans approved by the Recreation and Park Commission. Upon future renovations of Golf Courses other than Harding Park, additional annual set asides for capital improvements shall be established for recreation areas or parks under the Department's jurisdiction contiguous to each such improved Golf Course.

(c) **Administration of Fund.** All expenditures from the San Francisco Recreation and Parks Golf Fund are subject to approval of the Recreation and Park Commission, and shall be subject to the budget and fiscal provisions of the City's Charter. The Department shall at least annually present a report of all revenues deposited into and expenses paid out of the San Francisco Recreation and Parks Golf Fund to the Commission at a public hearing. (Added by Ord. 51-02, File No. 020197, App. 4/26/2002)

SEC. 10.100-261. RECREATION AND PARKS INFORMATION AND PUBLICATION FUND.

(a) **Establishment of Fund.** The Recreation and Parks Information and Publication Fund is established as a category six fund to be known and designated as the Information and Publication Account, into which shall be deposited all moneys received by the Recreation and Park Commission for which permission has been granted to any person the right to make moving or still photographic representations of any property under the control of the Recreation and Park Commission. The Recreation and Park Commission shall adopt a schedule of fees to be charged for granting the permission stated in the first paragraph of this Section and report such schedule of fees to the Board of Supervisors.

(b) **Use of Fund.** The moneys received into the fund are to be expended solely for the preparation of printed reports, staff training manuals, informational brochures, maps, purchase of equipment related to the publication of the aforementioned types of materials, promotion of Recreation and Park Commission sponsored programs and events, and other expenses related to the foregoing.

(c) **Exceptions to Fund Category.** Expenditures from the Information and Publication Account shall require the authorization of the General Manager, Recreation and Park Department, and the approval of the Recreation and Park Commission. No more than \$2,500 can be accepted into the fund in any fiscal year. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-270. RESIDENTIAL RENT STABILIZATION AND ARBITRATION FUND.

(a) **Establishment of Fund.** The Residential Rent Stabilization and Arbitration Fund is established as a category six fund to receive all monies payable to the Tax Collector pursuant to Chapter 37A of the San Francisco Administrative Code for the purpose of financing the Residential Rent Stabilization and Arbitration Board and related administrative costs pursuant to Section 10.194 of this code including, but not limited to, the Tax Collector and Controller. Into this fund shall also be deposited all fees for hiring estimators as provided in Section 37.7(e) of this code.

(b) **Use of Fund.** The monies in this fund may only be expended for the funding of the Residential Rent Stabilization and Arbitration Board and for attendant administrative costs pursuant to Section 10.194 of this code including, but not limited to, the Tax Collector and Controller.

(c) **Exceptions to Fund Category.** While appropriation of monies in the fund are otherwise subject to the budgetary and fiscal provisions of the Charter, the Controller shall have the authority to increase the appropriation based upon revenues deposited into this fund for the purpose of paying estimators as provided in Sections 37.7(d) and (e) of this code. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-280. SAN FRANCISCO AUTOMATED COUNTY WARRANT SYSTEM.

(a) **Establishment of Fund.** The San Francisco Automated County Warrant System is established as a category two fund to accept any assessment of \$7 on any person convicted of violating Vehicle Code Section 40508 or Penal Code Section 853.7.

(b) **Use of Fund.** Monies in the fund shall be used exclusively for the development and operation of an automated county warrant system. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-282. SAN FRANCISCO AUTOMATED FINGERPRINT IDENTIFICATION FUND.

(a) **Establishment of Fund.** The San Francisco Automated Fingerprint Identification Fund is established as a category four fund to California Government Code Section 76102, and Resolution No. 713-92 of the Board of Supervisors of the City and County of San Francisco.

(b) **Use of Fund.** Monies in the fund shall be used solely for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment; the replacement of existing automated fingerprint equipment; and the reimbursement of funds which have previously been expended by the City for the purchase, leasing, operation or maintenance of existing automated fingerprint equipment. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-288. SAN FRANCISCO CHILDREN AND FAMILIES TRUST FUND.

(a) **Establishment of Fund.** The San Francisco Children and Families First Trust Fund is established as a category four fund to receive all grants, gifts, or bequests of money made to or for the benefit of the San Francisco Children and Families First Commission from public or private sources to be used for early childhood development programs.

(b) **Use of Fund.** Moneys allocated to the fund shall be expended only for the purposes authorized by the California Children and Families First Act and in accordance with the San Francisco County Strategic Plan approved by the San Francisco Children and

Families First Commission. All monies shall be expended for the specific purpose such grant, gift, or bequest was made. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-290. SAN FRANCISCO CITY SERVICES PRESERVATION FUND.

(a) **Establishment of fund.** The San Francisco City Services Preservation Fund is established as a category five fund for the purpose of receiving donations from employees and private donors in order to offset the City's deficit and preserve City services.

(b) **Use of fund.** All deposits into the fund will be transferred into the General Fund and expenditures from the Fund shall be subject to the budgetary and fiscal provisions of the Charter. (Added by Ord. 199-05, File No. 051136, App. 7/29/2005)

SEC. 10.100-292. SAN FRANCISCO DEPARTMENT AWARDS FUNDS.

(a) **Establishment of Funds.** The Board of Supervisors hereby authorizes the establishment of category eight funds for the purpose of receiving all donations of money, property and personal services which may be offered to the departments of the City and County of San Francisco for the benefit of department awards programs. A separate account shall be established for any department at such time as a written request from the corresponding department head is received by the Controller.

(b) **Use of Funds.** Money, property and personal services accepted into these funds shall be used and expended for such purposes as will, determined in the sole discretion of the respective department director, enhance morale and performance of employees in said department.

(c) **Administration of Funds.** Each department head shall submit an annual report to the Controller of the sources of all funds accepted into the department's award fund and the expenditures made from said fund. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-295. SAN FRANCISCO DISPUTE RESOLUTION PROGRAM FUND.

(a) **Purpose of Fund.** The City recognizes and acknowledges that there is a need for the encouragement and support of the development and use of alternate dispute resolution techniques designed

to facilitate the informal resolution of disputes among members of the community. To this end, the City wishes, pursuant to State law, to establish a program of grants to public entities and nonpartisan nonprofit corporations for the establishment and continuance of informal dispute resolution programs pursuant to the State Dispute Resolution Programs (Chapter 8 [commencing with Section 465], Division 1 of the Business and Professions Code) operated under standards developed by the State Dispute Resolution Advisory Council of the Department of Consumer Affairs.

(b) **Establishment of Fund.** The San Francisco Dispute Resolution Program Fund is established as a category four fund for the purpose of receiving all monies received and collected by the City and County pursuant to the State-enacted Dispute Resolution Programs. This fund will be administered by the Controller. The City may accept and deposit into this special fund funds from any public or private source, including increased civil action filing fees authorized by the Board of Supervisors in accordance with the State Dispute resolution Program, as set forth under Business and Professions Code Chapter 8, Division 1 (commencing with Section 465), for the purposes of facilitating the Dispute Resolution Program.

(c) **Use of Fund.** The disbursement of any monies from this fund shall be made only in a manner consistent with the State Dispute Resolution Program. The Board of Supervisors hereby authorizes payment to the General Fund of the City from the Dispute Resolution Program Fund of an amount not to exceed 10 percent of the total amount of said fund foray necessary and reasonable administrative costs incurred in connection therewith.

(d) **Administration of Fund.** The Mayor's Office of Criminal Justice is hereby designated as administrator of the Dispute Resolution Program Fund and shall be responsible for the establishment and management of a program to distribute grants to public entities and nonpartisan, nonprofit agencies in the City and County of San Francisco, pursuant to the standards set forth in the Dispute Resolution Program Act: Funding and Operating Guidelines, in addition to other requirements specified under provisions of State law.

The Mayor's Office of Criminal Justice shall establish criteria for grant awards that give preference

to community-based nonprofit conflict resolution programs and distribute grants on a balanced basis to ensure the greatest possible access to dispute resolution programs and services. The City and County of San Francisco shall uphold the legislative intent of Chapter 8, Division 1, Section 465.5 of the Business and Professions Code, to the extent practicable, and utilize local resources that are reflective of the diversity of the community.

(e) **Community Courts Program.** The Mayor's Office of Criminal Justice, in partnership with the District Attorney, shall establish and maintain a Community Courts Program as part of the Dispute Resolution Program. The Community Courts may handle cases occurring in their respective communities that are referred to them by the District Attorney, San Francisco Police Department, or other participating agencies. Consistent with state and local law, in settling disputes or resolving cases, the Community Courts may require participants to perform community service or pay monies into the Mayor's Community Support Fund, as established in Section 10.100-95. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000; amended by Ord. 189-05, File No. 051001, App. 7/29/2005)

SEC. 10.100-297. SAN FRANCISCO FILM PRODUCTION FUND.

(a) **Establishment of Fund.** The San Francisco Film Production Fund is established as a category six fund for the purpose of receiving daily use fees assessed by the Film Commission to film companies and other miscellaneous revenue generated by the Film Commission.

(b) **Use of Fund.** The fund is to be expended to promote San Francisco as a location for film production, to promote the purposes of Chapter 57, and as otherwise stated in Chapter 57. All expenditures are subject to approval by the Film Commission. The Film Commission may use such funds to reimburse City departments for expenditures related to film production that have not otherwise been reimbursed directly by film companies.

(c) **Administration of Fund.** By March 1st of each year, the Commission shall prepare and file with the Board of Supervisors an annual report detailing revenues and expenditures from the previous fiscal year. (Added by Ord. 331-00, File No. 001967, App. 12/28/2000)

SEC. 10.100-299. SAN FRANCISCO GAS TAX STREET IMPROVEMENT FUND.

(a) **Establishment of Fund.** The San Francisco Gas Tax Street Improvement Fund is established as a category four fund to comply with the provisions of Sections 180 to 207, and in particular, Section 196 of the Streets and Highways Code, State of California. The fund is established to receive all moneys received by the City and County from the State under the provisions of the Streets and Highways Code, State of California, for the acquisition of real property or interests therein for, or the construction, maintenance or improvement of streets or highways, other than state highways.

(b) **Use of Fund.** All moneys in the fund shall be expended exclusively for the purposes authorized by and subject to all of the provisions of the Streets and Highways Code, State of California.

(c) **Administration of Fund.** In connection with the Special Gas Tax Street Improvement Fund, the Director of Public Works is hereby authorized to execute, on behalf of the City and County, all project statements, amended project statements, memoranda of agreements and amended memoranda of agreements for streets which have been or shall be designated by the Board of Supervisors as streets of major importance, the cost of improving which is to be paid out of the Special Gas Tax Street Improvement Fund. Nothing contained in this Section shall be construed as authorizing the Director of Public Works to deviate in any manner whatsoever, other than as herein provided, from the full and complete prosecution of the projects designated for improvement with funds, in whole or in part, from the fund, as set up in each annual or supplemental appropriation ordinance.

The Controller shall be the officer to prepare the report of the expenditures and receipts for street and road purposes and shall transmit the same to the State Controller. The Controller shall file a copy of the report with the Clerk of the Board of Supervisors and the Director of Public Works. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-305. SAN FRANCISCO GIFT FUNDS.

(a) **Establishment and Use of Funds.** The Board of Supervisors does hereby authorize the

creation of category eight funds or accounts for the purpose of accepting any gift of cash or goods which may from time to time be offered to the City and County of San Francisco through any department, board or commission thereof, for the benefit of the designated department, board or commission and for such purposes within its prescribed legal jurisdiction as may be specified by the donors. The Board of Supervisors does hereby authorize said departments, boards and commissions to receive and to administer such gifts in accordance with the wishes of the donors. All such gifts will be promptly reported to the Controller.

(b) **Exceptions to Fund Category.** The acceptance or expenditure of any gift of cash or goods of a market value greater than \$10,000 shall require approval of the Board of Supervisors, by resolution.

(c) **Administrative Provisions.** Each department, board and commission accepting gifts authorized hereunder shall furnish to the Board of Supervisors annually within the first two weeks of July a report showing such gifts received, the nature or amount of said gifts, and the disposition thereof. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-307. SAN FRANCISCO MUSEUMS ADMISSION SPECIAL REVENUE FUND.

(a) **Establishment of Fund.** There is hereby established a category six fund to be known as the San Francisco Museums Admission Special Revenue Fund for the receipt of all proceeds derived from the general admission fees levied by the Board of Trustees and Commissioners of the Fine Arts Museums of San Francisco and the Asian Art Museum ("museums") shall be deposited in the Museums Admission Special Revenue Fund. The general admissions fee schedule shall be established by the Board of Trustees and the Asian Art Commission jointly, including classes of fees and those exempt from said fees.

(b) **Use of Fund.** The first priority for use of monies collected in the fund shall be the reimbursement of expenses necessary for the collection of the general admission fee. When the Fine Arts Museums of San Francisco have received a cumulative total of \$550,000 in accord with the provisions of Ordinance 364-77, all of the income (meaning all proceeds derived from the general admission fees levied by the

Board of Trustees of the Fine Arts Museums of San Francisco and the Asian Art Commission minus the expenses necessary for the collection of the general admission fees) shall be apportioned between the museums pursuant to agreements between the Board of Trustees of the Fine Arts Museums of San Francisco and the Asian Art Commission. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-310. SAN FRANCISCO NARCOTICS FORFEITURE AND ASSET SEIZURE FUND.

(a) **Establishment of Fund.** The San Francisco Narcotics Forfeiture and Asset Seizure Fund is established as a category eight special fund for the purposes of receiving money or tangible property which reflects the City and County's participation in acts leading to the seizure or forfeiture of property pursuant to 29 U.S.C. 881, and the seizure and forfeiture of property and/or property distributed to the San Francisco Police Department pursuant to Section 11470, et seq., of the Health and Safety Code of the State of California.

(b) **Use of Fund.** Money or property received into the fund shall, consistent with federal and state guidelines and restrictions governing their use, be used exclusively for law enforcement purposes to fund enforcement, training, prevention and prosecution programs related to, and to procure equipment to enhance the effectiveness of, the enforcement of narcotics laws.

(c) **Exceptions to Fund Category.** Subject to prior approval by the Mayor, the head of any law enforcement agency of the City and County is authorized to apply for, accept, and expend any such money or property received from the federal government, or from any state or local government entity.

(d) **Administration of Fund.** Quarterly reports reflecting the expenditures from this Fund shall be submitted to the Mayor and the Board of Supervisors. No expenditures in excess of \$10,000 will be made from this Fund, with the exception of funds needed for criminal investigation services, without first receiving the approval, by ordinance, of the Board of Supervisors. No costs which may be incurred by any City department in administering this Fund shall be recovered therefrom. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-315. SAN FRANCISCO SEISMIC SAFETY LOAN FUND.

(a) **Establishment of Fund.** The San Francisco Seismic Safety Loan Fund is established as a category four fund to receive all proceeds from the sale of bonds under the Earthquake Loan Bond Program, 1992, as described in Ordinance 217-92 and in Chapters 66 and 66A of the San Francisco Administrative Code (other than any premium or accrued interest thereon).

(b) **Use of Fund.** The fund shall be used solely in accordance with Chapters 66 and 66A of the San Francisco Administrative Code, as amended from time to time, those regulations adopted by the Board of Supervisors or the agency or entity designated by the Board of Supervisors to administer the Seismic Safety Retrofit Program, and any resolutions adopted by the Board of Supervisors authorizing the issuance of bonds and sale of any series of bonds pursuant to the Earthquake Loan Bond Program, 1992. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-320. SAN FRANCISCO VITAL AND HEALTH STATISTICS TRUST FUND.

(a) **Establishment of Fund.** The San Francisco Vital and Health Statistics Trust Fund is established as a category two fund to accept deposits consisting of \$1 out of each \$2 fee imposed by existing law on birth, death, fetal death, marriage and marriage dissolution certificates, and collected by the Local Registrar, County Recorder or County Clerk, as the case may be.

(b) **Uses of Fund.** Proceeds of this fund will defray the administrative costs of collecting these fees and other costs as follows: (1) administrative and personnel costs; (2) modernization of vital record operations, including improvement and automation of vital record systems; and (3) improvement in the collection and analysis of health-related death certificate information and other vital record analysis as appropriate. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-327. SHERIFF'S DEPUTIES TRAINING FUND.

(a) **Establishment of Fund.** There shall be established a category two fund to be known and

designated as the Sheriffs Deputies Training Fund, into which shall be deposited all funds not to exceed \$200,000 in any one fiscal year, allocated by the Commission On Peace Officer Standards and Training from the Peace Officers Training Fund maintained by the State Treasury to the City and County for use of the San Francisco Sheriffs Department, and any excess over and above \$200,000 shall be deposited in the General Fund.

(b) **Use of Fund.** The Sheriffs Deputies Training Fund shall be used exclusively for the recruitment and training of members of the uniformed force of the San Francisco Sheriff's Department including but not limited to expenses incurred in the recruitment of qualified deputies; purchase of equipment and training aids; expenses incurred in attending seminars, training schools, and conferences; expenses incurred in training deputies who are on an overtime basis during training, expenses incurred in assigning deputies on an overtime basis to fill the regular duty assignments of deputies being trained; expenses incurred in hiring temporary deputies to fill the regular duty assignments of deputies being trained; and such other expenses as may be incurred in the recruitment and training of sheriff's deputies. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-329. SHERIFF'S COUNTY JAIL PRISONERS WELFARE FUND.

(a) **Establishment of Fund.** The Sheriffs County Jail Prisoner's Welfare Fund is established as a category four fund for the purpose of receiving all gifts, donations and contributions of money which may from time to time be received by the City and County through the Sheriff for the purpose of aiding the welfare of prisoners confined in the San Francisco City and County jails.

(b) **Use of Fund.** All expenditures from such fund shall be made for the purpose of providing educational, vocational, recreational, medical, dental, and legal supplies, facilities, and equipment and for costs incurred in providing entertainment to consist of lectures, plays, concerts and similar programs, all for the use and benefit of prisoners confined in the San Francisco City and County jails. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-331. SHERIFF'S SPECIAL MAINTENANCE FUND.

(a) **Establishment of Fund.** The Sheriffs Special Maintenance Fund is established as a category two fund to receive such funds as shall be paid to the City and County by other local jurisdictions (cities and counties) of the State of California for care and maintenance of prisoners of said local jurisdictions in the jails of the City and County of San Francisco. Into the fund shall also be deposited such funds as shall be paid to the City and County by the State Department of Corrections, pursuant to Section 4016 of the California Penal Code.

(b) **Use of Fund.** Monies in the fund shall be used for the upgrading of the jail system in accordance with a list of priorities for the upgrading of the jail designated by the Sheriff of the City and County of San Francisco.

(c) **Exceptions to Fund Category.** Balances in excess of \$100,000, remaining in such fund at the close of any fiscal year, shall be deemed to have been provided for a specific purpose and shall be carried forward and accumulated in such fund for the purposes recited herein. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-336. STATUS OF WOMEN DOMESTIC VIOLENCE PROGRAM FUND.

(a) **Establishment of Fund.** The Status of Women Domestic Violence Program Fund is established as a category two fund into which shall be deposited eight dollars of each fee collected by the County Clerk at the time of issuance of any marriage license or at the time of the filing of any certificate of marriage pursuant to Sections 26840.7 and 26840.8 of the Government Code. Those fees collected by the County Clerk for performing civil ceremonies solemnizing the formation of domestic partnerships (pursuant to Section 62.9 of the Administrative Code) shall be deposited into the Same Sex Domestic Violence Project within the Domestic Violence Program Fund.

(b) **Use of Fund.** This fund is created for the purpose of providing basic services to victims of domestic violence and their children and for programs designed to reduce the incidence of domestic violence in the City and County of San Francisco, in accordance with the provisions of Chapter 5 (commencing

with Section 18290) of Part 6 of Division 9 of the Welfare and Institutions Code. The monies shall be set aside for the aforesaid purposes as provided by the Domestic Violence Act pursuant to Section 18290 et seq. Of the Welfare and Institutions Code and disbursements from this special fund shall be made upon recommendation of the Commission on the Status of Women and approval of the Board of Supervisors. The Commission on the Status of Women shall be allocated an amount not to exceed 10 percent of the total amount of said funds for all necessary and reasonable administrative costs incurred in connection therewith.

(c) **Exceptions to Fund Category.** Any monies not used by the City and County for the specific purpose described within three years shall be deposited in the General Fund in the State treasury in accordance with Sections 18305 and 18307 of the Welfare and Institutions Code.

(d) **Administration of Fund.** The Commission on the Status of Women is hereby designated as coordinator of the Domestic Violence Program and shall be delegated the following responsibilities:

1. To consult with individuals and groups having expertise in the problems of domestic violence in the operation of domestic violence programs;
2. To prepare and distribute announcements and requests for grant proposals to existing providers of services to victims of domestic violence;
3. To review and evaluate grant proposals and requests of private agencies to receive funding under this program;
4. To hold public hearings;
5. To recommend appropriate action on such proposals to the Board of Supervisors; and
6. To monitor the implementation of the program or programs approved by the Board of Supervisors for funding under this program in compliance with the provisions of Section 18290, et seq. of the Welfare and Institutions Code. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-341. TELECOMMUNICATIONS AND INFORMATION SERVICES CABLE TELEVISION ACCESS DEVELOPMENT AND PROGRAMMING FUND.

(a) **Establishment of Fund.** The Telecommunications and Information Services Cable Television

Access Development and Programming Fund is hereby established as a category four fund for the purpose of receiving the 0.2 percent portion of the cable television franchise fee proceeds which is used for development of municipal, educational and public access to cable television and for related programming; and also for receiving gifts and grants which may be offered to the City and County for use in the development of municipal, educational and public access to cable television and for related programming.

(b) **Use of Fund.** Monies in the fund shall be expended for development of municipal, educational and public access to cable television and for related programming.

(c) **Exceptions to Fund Category.** The balance of unappropriated funds remaining in the fund at the close of each fiscal year shall be transferred to the General Fund. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-346. TREASURER'S DEFERRED PAYMENT OF SETTLEMENT TRUST FUND.

(a) **Establishment of Fund.** The Treasurer's Deferred Payment of Settlement Trust Fund is established as a category two to receive deposits of money held in trust for the settlement of claims and litigation which provide for the making of deferred payments pursuant to such agreements.

(b) **Uses of Fund.** Deposits made to the fund shall be invested and reinvested the same as permitted by law and disbursed therefrom pursuant to agreements for the settlement of claims and litigation which provide for the making of deferred payments pursuant to such agreements. The Treasurer of the City and County shall be the trustee of said trust fund and shall make disbursements therefrom only on warrants drawn by the Controller. Whenever a trust created pursuant to the provisions of a settlement agreement pertaining to a specific claim or litigation is terminated and the settlement agreement provides for the reversion of any unexpended balance in said trust to the City and County, the Controller shall debit the trust in the amount of such unexpended balance and said amount shall be credited by the Controller to the account which was the source of said trust funds. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-347. TREASURER'S WORKING FAMILIES CREDIT FUND.

(a) **Establishment of Fund.** The Treasurer's Working Families Credit Fund is established as a category eight fund for the purpose of receiving all public monies and gifts, donations and contributions of money which may from time to time be received by the City and County through the Treasurer for the purpose of implementing the Working Families Credit Program established in Chapter 12S.

(b) **Use of Fund.** All expenditures from such fund shall be made for the purpose of administering and implementing the Working Families Credit Program established in Chapter 12S. (Added by Ord. 194-04, File No. 040737, App. 7/30/2004)

SEC. 10.100-351. TRIAL COURTS COURTHOUSE CHILDREN'S WAITING ROOMS FUND.

(a) **Imposition of Surcharge.** Pursuant to California Government Code Section 26826.3, the Board of Supervisors hereby imposes a surcharge of four dollars for the filing in superior court of (1) a complaint, petition, or other first paper in a civil or probate action of special proceeding, (2) a first paper on behalf of any defendant, respondent, intervenor, or adverse party, (3) a motion for change of venue from another court, or (4) a first paper on behalf of any party in a proceeding under Section 98.2 of the California Labor Code. No party shall be required to pay the four dollar surcharge more than once in any action.

(b) **Establishment of Fund.** The Trial Courts Courthouse Children's Waiting Rooms Fund is established as a category four fund to receive (1) all funds collected by the City and County of San Francisco, as authorized by California Government Code Section 26826.3, from surcharges on first filing fees and (2) all donations, grants, gifts and bequests from private sources for the purpose of the fund.

(c) **Use of Fund.** All funds shall be expended to pay any cost, excluding capital outlay, related to the maintenance of the Children's Waiting Rooms at the Hall of Justice and Civic Center Courthouse and the establishment and maintenance of a Children's Waiting Room at any additional courthouse in the City

and County of San Francisco, including, but not limited to, personnel, heat, light, telephone, security, rental of space, furnishings, toys, books, or any other item or service in connection with the operation of a children's waiting room.

(d) **Exceptions to Fund Category.** All expenditure of the funds shall be determined by the Chief Executive Officer of the Court, in consultation with the Presiding Judge of the Court, the Supervising Judge of the Unified Family Court, and the provider(s) operating the Children's Waiting Rooms.

(e) **Administration of Fund.** The county clerk shall remit the surcharge monthly to the Controller who shall retain the monies in the Courthouse Children's Waiting Rooms Account. The Controller shall maintain the Account and shall record all receipts and expenditures. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

[Section 10.100-351 continues on page 329.]

[Section 10.100-351 continues on page 329.]

SEC. 10.100-353. TRIAL COURTS COURTHOUSE CONSTRUCTION FUND.

(a) **Establishment of Fund.** The Trial Courts Courthouse Construction Fund is established as a category four fund for the purpose of receiving all funds collected pursuant to Resolution No. 713-92 of the Board of Supervisors of the City and County of San Francisco as authorized by Section 76238 of the California Government Code from surcharges on first filing fees, and all funds collected pursuant to Resolution No. 713-92 as authorized by Sections 76000 and 76100 of the California Government Code from penalty assessments in criminal and parking cases.

(b) **Use of Fund.** The monies in this fund are payable only for the purpose of assisting the City and County of San Francisco (the "City") in the acquisition, rehabilitation, construction and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system at the time necessary therefor. In conjunction therewith, the monies in such fund including interest, may be applied to pay or reimburse the City for any lease rental payments or debt service payments or any other costs and expenses incurred by the City in connection with any lease financing or other financing entered into for the purpose of acquiring, rehabilitating, or constructing courtrooms, a courthouse building or buildings or courtroom facilities as hereinabove described. Such payments may be applied, upon the recommendation of the Director of Public Finance, to the prepayment or early retirement of lease revenue bonds or any other type of indebtedness or obligation issued or executed and delivered for the foregoing purposes. The monies in such fund, including interest, may also be used to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if new courtrooms or a courtroom building or buildings are acquired, constructed or financed, or to acquire, rehabilitate, construct or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time. Should any such excess courtrooms or courtroom buildings be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system, any amounts received as lease or rental payments pursuant to this subdivision shall be

deposited in the San Francisco Courthouse Construction Fund.

(c) **Administration of Fund.** All funds shall be expended as jointly determined by the Courthouse Construction Fund Committee (consisting of the Presiding Judges of the Superior and Municipal Courts, the Executive Officer of the Superior Court and the Clerk of the Municipal Court), with the approval of the Board of Supervisors. The fund shall be maintained by the Controller's Office which shall record all receipts and expenditures. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-357. WAR MEMORIAL MAINTENANCE AND CAPITAL IMPROVEMENT FUND.

(a) **Establishment of Fund.** The War Memorial Maintenance and Capital Improvement is established as a category four fund to receive all gifts, donations and contributions of money which may from time to time be received by the Board of Trustees of the San Francisco War Memorial for maintenance and capital improvements to the San Francisco War Memorial.

(b) **Use of Fund.** All expenditures from such fund shall be for maintenance, modernizations, additions and betterments of the San Francisco War Memorial, as approved by the Board of Trustees of the San Francisco War Memorial. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-359. WAR MEMORIAL RESERVE FUND.

(a) **Establishment of Fund.** The War Memorial Reserve Fund is established as a category six fund to receive 15 percent of the annual revenues derived from the use of the buildings under the jurisdiction of the War Memorial Board of Trustees as provided in Section 27.3 of the San Francisco Administrative Code.

(b) **Use of Fund.** Monies in the fund shall be expended for necessary improvements, additions and reconstruction and replacements due to physical and functional depreciation, to the buildings under the jurisdiction of the War Memorial. The Board of Trustees of the War Memorial shall have full power and authority to determine the character and the nature of the improvements, additions and reconstruction and replacements due to physical and functional depreciation to be made from the reserve.

(c) **Exceptions to Fund Category.** In no event shall the total amount in the reserve exceed \$500,000. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-361. WAR MEMORIAL SPECIAL FUND.

(a) **Establishment of Fund.** The War Memorial Special Fund is established as a category two fund to receive (1) the funds appropriated to the Board of Trustees of the War Memorial pursuant to Section 515.01 of the San Francisco Business and Tax Regulations Code (hotel tax) and (2) revenues derived from the use of the buildings under the jurisdiction of the War Memorial which are not appropriated to the War Memorial Reserve Fund.

(b) **Use of Fund.** The fund is to be used solely to defray the costs of maintaining, operating and caring for the War Memorial buildings and grounds as described in Section 2A.165.2 of the San Francisco Administrative Code, which shall include the payment of principal and redemption price of, interest on, reserve fund deposits, if any, and/or financing costs for general obligation bonds issued for improvements to the War Memorial buildings. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000; amended by Ord. 169-02, File No. 021171, App. 8/2/2002)

SEC. 10.100-366. WATER DEPARTMENT REVENUE FUND.

(a) **Establishment of Fund.** The Water Department Revenue Fund is established as a category four fund for receipt of the entire gross revenue of the Water Department whenever revenue bonds issued by the Public Utilities Commission for water facilities under the jurisdiction of the Public Utilities Commission are outstanding. This section shall apply to all bonds that were outstanding or authorized on or before July 1, 1996.

(b) **Use of Fund.** Monies in the Water Department Revenue Fund, including earnings thereon, shall be appropriated, transferred, expended or used for the following purposes pertaining to the financing, maintenance and operation of the Water Department and related facilities owned, operated or controlled by the Commission and only in accordance with the following priority: (1) the payment of operation and maintenance expenses for such utility and related

facilities; (2) the payment of pension charges and proportionate payments to such compensation and other insurance or outside reserve funds as the Commission may establish or the Board of Supervisors may require with respect to employees of the Commission; (3) the payment of principal, interest, reserve, sinking fund, and other mandatory funds created to secure revenue bonds hereafter issued by the Commission for the acquisition, construction or extension of Water Department or related facilities owned, operated or controlled by the Commission; (4) the payment of principal and interest on general obligation bonds heretofore or hereafter issued by the City and County for Water Department purposes; (5) the reconstruction and replacement as determined by the Commission or as required by any Water Department revenue bond ordinance or resolution duly adopted and approved; (6) the acquisition of land, real property or interest in real property for, and the acquisition, construction, enlargement and improvement of, new and existing buildings, structures, facilities, equipment, appliances and other property necessary or convenient to the development or improvement of such utility owned, controlled or operated by the Commission; and for any other lawful purpose of the Commission including the transfer of surplus funds pursuant to Section 16.103 of the Charter.

(c) **Administration of Fund.** All amounts paid into said fund shall be maintained by the Treasurer separate and apart from all other City and County funds and shall be secured by the Treasurer's official bond or bonds. Separate accounts shall be kept of said fund with respect to receipts and disbursements. Said fund shall be exempted from Charter Section 16.103. (Added by Ord. 316-00, File No. 001911, App. 12/28/2000)

SEC. 10.100-367. CHILD CARE PLANNING AND ADVISORY FUND.

(a) **Establishment of Fund.** The Child Care Planning and Advisory Council Fund is established as a category eight fund for the purpose of receiving all funds awarded by the State of California Department of Education Child Development Division for local child care planning council activities.

(b) **Use of Fund.** The Child Care Planning and Advisory Council shall determine the use of the Fund subject to any guidelines or restrictions issued by the

State of California Department of Education Child Development Division. All deposits and expenditures from the Fund shall be subject to the budgetary and fiscal provisions of the Charter. (Added by Ord. 6-03, File No. 020913, App. 1/31/2003)

SEC. 10.100-368. PUBLIC EDUCATION SPECIAL FUND.

(a) **Findings.** The quality of public education in the City and County of San Francisco is an important factor in economic development and quality of life for San Francisco residents. The Unified School District relies heavily on state funds to provide for education. Significant reductions in state funding result in destabilization of our public education system. All aspects of city government must act in concert to assure the education of our children.

(b) **Statement of Intent.** The Board of Supervisors intends to address the above concerns by establishing a Public Education Special Fund to coordinate the City's financial investment in our schools. This fund is intended to protect and preserve important programs in the Unified School District and improve the quality of public education in the City and County of San Francisco.

(c) **Establishment of Fund.** The Public Education Special Fund is established as a category four fund for the purposes of receiving all General Fund and Children's Fund revenues accruing for the purposes outlined herein, and intended for use by the San Francisco Unified School District and Board of Education established in Section 8.100 of the City Charter.

(d) **Use of Fund.** The fund shall be used exclusively for the following purposes:

- (1) Arts and music programs in public schools;
- (2) Health and wellness programs for Unified School District students;
- (3) Middle and High School athletics;
- (4) Early childhood development;
- (5) Field trips for educational purposes;
- (6) Reading recovery and/or other supplemental academic support programs;
- (7) Providing student support services such as nurses and social workers;

(8) Providing instructional supplies for classroom teachers;

(9) Providing local funds to support the Unified School District's Secondary Schools Redesign Initiative (SSRI) and leverage outside foundation support for the SSRI;

(10) Peer Resources;

(11) Posting of meeting information and materials on the Internet;

(12) State law requirements; and

(13) Other uses determined by the Board of Education and approved by the Board of Supervisors by motion. (Added by Ord. 88-03, File No. 030354, App. 5/9/2003)

SEC. 10-100.369. OCTAVIA BOULEVARD SPECIAL FUND.

(a) **Establishment of Fund.** The Octavia Boulevard Special Fund is hereby established as a category four fund to receive the following monies: (1) any and all revenues accruing to the City and County of San Francisco (the "City") from the sale, lease or other use of any part of that certain real property consisting of the area formerly occupied by the Central Freeway between Market Street and Turk Street (the "Central Freeway Parcels"), acquired by the City from the State of California, Department of Transportation (the "State"), pursuant to Section 72.1 of the California Streets and Highways Code and Board of Supervisors Resolution No. 469-00; and (2) any and all other monies received by the City or appropriated by the Board of Supervisors for the City's replacement of a portion of the former Central Freeway with a ground-level boulevard along Octavia Street from Market to Fell Street and for transportation improvements to corridors on and ancillary to Octavia Boulevard (collectively, the "Octavia Boulevard Project").

(b) **Use of Fund.** Monies in the Octavia Boulevard Special Fund shall be used solely for the Octavia Boulevard Project, including, without limitation, any and all costs incurred in connection with the construction and maintenance of Octavia Boulevard and of ancillary transportation improvements, until the completion of the Octavia Boulevard Project at which

time any monies remaining in the Fund may be used in accordance with those certain agreements approved by the Board of Supervisors in Resolution No. 824-01 between the City and the Redevelopment Agency of the City and County of San Francisco and for purposes authorized under Article XIX of the California Constitution.

(c) **Administration of Fund.** All funds shall be appropriated pursuant to Article IX of the Charter. (Added by Ord. 271-03, File No. 031657, App. 12/5/2003)

Sec. 10.101.

(Amended by Ord. 57-82, App. 2/11/82; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.102.

(Amended by Ord. 57-82, App. 2/11/82; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.103.

(Ord. No. 125 (1939), Sec. 4; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

[The next page is number 331.]

Sec. 10.109-3.

(Added by Ord. 294-78, App. 6/23/78; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.109-5.

(Added by Ord. 511-81, App. 10/22/81; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.109-6.

(Added by Ord. 421-83, App. 8/18/83; amended by Ord. 278-96, App. 7/3/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.109-7.

(Added by Ord. 311-85, App. 6/20/85; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.109-8.

(Added by Ord. 425-86, App. 10/31/85; amended by Ord. 450-88, App. 10/6/88; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.109-10.

(Added by Ord. 338-88, App. 7/28/88; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.109-11.

(Added by Ord. 46-93, App. 2/19/93; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.110.

(Amended by Ord. 267-85, App. 5/30/85; Ord. 325-93, App. 10/15/93; Ord. 156-99, File No. 990743, App. 6/2/99; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.111.

(Ord. No. 2565 (1939), Sec. 1; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.112.

(Ord. No. 2565 (1939), Sec. 3; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.113.

(Ord. No. 2565 (1939), Sec. 2; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.114.

(Ord. No. 2565 (1939), Sec. 4; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.114-1.

(Amended by Ord. 267-85, App. 5/30/85; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.114-2.

(Added by Ord. 379-89, App. 10/25/89; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.114-3.

(Added by Ord. 326-99, File No. 991619, App. 12/23/99; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.116.

(Amended by Ord. 15381, App. 4/3/81; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.116-1.

(Added by Ord. 392-59, App. 7/8/59; codified as Ord. 193-74, App. 4/18/74; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.116-2.

(Added by Ord. 392-59, App. 7/8/59; codified as Ord. 193-74, App. 4/18/74; amended by Ord. 288-93, App. 9/10/93; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.116-3.

(Added by Ord. 392-59, App. 7/8/59; codified as Ord. 193-74, App. 4/18/74; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.116-5.

(Added by Ord. 305-80, App. 6/27/80; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117.

(Added by Ord. 268-61, App. 9/27/61; amended by Ord. 278-96, App. 7/3/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-1.

(Amended by Ord. 419-82, App. 8/20/82; Ord. 24-00, File No. 992319, App. 2/25/2000; Ord. 189-00, File No. 001009, App. 8/11/2000; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-3.

(Amended by Ord. 56-82, App. 2/11/82; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-3.1.

(Added by Ord. 63-93, App. 3/4/93; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-6.

(Added by Ord. 26-72, App. 2/10/72; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-7.

(Added by Ord. 154-72, App. 6/9/72; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-8.

(Amended by Ord. 156-72, App. 6/9/72; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-9.

(Added by Ord. 318-72, App. 11/2/72; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-10.

(Added by Ord. 83-73, App. 3/5/73; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-11.

(Res. No. 290-69, App. 4/23/69; codified by Ord. 193-74, App. 4/18/74; Ord. 278-96, App. 7/3/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-12.

(Added by Ord. 162-74, App. 4/5/74; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-13.

(Added by Ord. 475-74, App. 10/17/74; amended by Ord. 396-93, App. 12/16/93; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-15.

(Amended by Ord. 528-80, App. 11/17/80; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-16.

(Added by Ord. 15-76, App. 1/23/76; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-18.

(Added by Ord. 289-79, App. 6/15/79; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-20.

(Added by Ord. 311-80, App. 7/2/80; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-21.

(Added by Ord. 527-80, App. 11/7/80; amended by Ord. 269-98, App. 8/21/98; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-23.

(Added by Ord. 328-81, App. 6/19/81; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-24.

(Added by Ord. 395-81, App. 7/3/81; amended by Ord. 370-90, App. 11/13/90; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-30.

(Added by Ord. 274-82, App. 6/10/82; amended by Ord. 278-96, App. 7/3/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-31.

(Added by Ord. 308-82, App. 6/24/82; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-33.

(Amended by Ord. 291-83, App. 5/27/83; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-35.

(Added by Ord. 297-83, App. 5/27/83; amended by Ord. 279-92, App. 8/31/92; Ord. 362-93, App. 11/18/93; Ord. 278-96, App. 7/3/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-41.

(Amended by Ord. 250-85, App. 5/23/85; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-42.

(Amended by Ord. 80-84, App. 2/23/84; Ord. 278-96, App. 7/3/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-43.

(Added by Ord. 157-84, App. 4/11/84; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-44.

(Added by Ord. 61-85, App. 1/30/85; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-47.

(Added by Ord. 71-85, App. 2/7/85; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-49.

(Added by Ord. 310-85, App. 6/20/85; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-50.

(Added by Ord. 249-85, App. 5/23/85; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-53.

(Added by Ord. 75-86, App. 3/14/86; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-54.

(Added by Ord. 239-86, App. 6/20/86; amended by Ord. 144-87, App. 5/1/87; Ord. 220-88, App. 6/3/88; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-59.(Added by Ord. 461-86, App. 12/5/86; amended by Ord. 263-89, App. 7/14/89; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-61.

(Added by Ord. 462-86, App. 12/5/86; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-63.

(Amended by Ord. 494-86, App. 12/24/86; Ord. 153-88, App. 4/7/88; Ord. 194-97, App. 5/16/97; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-65.

(Added by Ord. 278-87, App. 7/2/87; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-66.

(Added by Ord. 277-87, App. 7/2/87; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-67.

(Added by Ord. 279-87, App. 7/2/87; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-68.

(Added by Ord. 246-87, App. 7/1/87; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-69.

(Added by Ord. 491-87, App. 12/23/87; amended by Ord. 278-96, App. 7/3/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-70.

(Added by Ord. 15-88, App. 1/21/88; amended by Ord. 278-96, App. 7/3/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-72.

(Added by Ord. 90-88, App. 3/3/88; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-73.

(Added by Ord. 274-88, App. 6/29/88; amended by Ord. 8-89, App. 1/12/89; Ord. 277-92, App. 8/31/92; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-74.

(Added by Ord. 121-88, App. 3/18/88; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-75.

(Added by Ord. 144-88, App. 3/30/88; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-76.

(Added by Ord. 185-88, App. 5/3/88; amended by Ord. 150-95, App. 5/5/95; Ord. 282-00, File No. 001801, App. 12/15/2000; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-77.

(Added by Ord. 183-88, App. 4/28/88; amended by Ord. 458-89, App. 12/21/89; Ord. 165-95, App. 5/19/95; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-78.

(Added by Ord. 205-88, App. 5/19/88; amended by Ord. 278-96, App. 7/3/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-80.

(Added by Ord. 448-88, App. 10/6/88; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-82.

(Added by Ord. 156-89, App. 5/19/89; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-83.

(Added by Ord. 189-90, App. 5/24/90; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-85.

(Added by Ord. 163-89, App. 5/25/89; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-86.

(Added by Ord. 47-89, App. 2/16/89; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-87.

(Added by Ord. 182-89, App. 6/5/89; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-88.

(Added by Ord. 278-89, App. 8/2/89; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-90.

(Added by Ord. 377-89, App. 10/25/89; amended by Ord. 453-89, App. 12/20/89; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-91.

(Added by Ord. 38-00, File No. 000068, App. 3/10/2000; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-92.

(Added by Ord. 406-89, App. 11/8/89; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-93.

(Added by Ord. 4-90, App. 1/5/90; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-95.

(Added by Ord. 4-90, App. 1/5/90; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-98.

(Added by Ord. 182-90, App. 5/24/90; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-100.

(Added by Ord. 390-90, App. 12/6/90; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-107.

(Added by Ord. 140-91, App. 4/15/91; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-108.

(Added by Ord. 104-91, App. 3/21/91; amended by Ord. 278-92, App. 8/31/92; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-109.

(Added by Ord. 267-91, App. 6/26/91; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-110.

(Added by Ord. 1-93, App. 1/7/93; amended by 103-94, App. 3/11/94; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-111.

(Added by Ord. 29-94, App. 1/14/94; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-112.

(Added by Ord. 448-96, App. 11/27/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-113.

(Added by Ord. 307-94, App. 8/17/94; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-114.

(Added by Ord. 207-95, App. 6/16/95; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-117.

(Added by Ord. 439-96, App. 11/8/96; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-118.

(Added by Ord. 112-97, App. 3/28/97; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-119.

(Added by Ord. 341-98, App. 11/13/98; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-120.

(Added by Ord. 341-98, App. 11/13/98; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-121.

(Added by Ord. 350-98, App. 12/4/98; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-122.

(Added by Ord. 409-98, App. 12/24/98; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-123.

(Added by Ord. 151-99, File No. 990737, App. 6/2/99; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-124. (Added by Ord. 335-99, File No. 991923, App. 12/30/99; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

Sec. 10.117-125. (Added by Ord. 80-00, File No. 992317, App. 5/5/2000; repealed by Ord. 316-00, File No. 001911, App. 12/28/2000)

APPENDIX A: DISPOSITION TABLE

<i>Repealed Section</i>	<i>Similar to Current Section</i>	<i>Repealed Section</i>	<i>Similar to Current Section</i>
10.79-4	10.80-1	10.117-42	10.100-138
10.79-5	10.80-2	10.117-47	10.100-57
10.79-6	10.80-3	10.117-49	10.100-102
10.79-7	10.80-4	10.117-50	10.100-110
10.79-8	10.80-5	10.117-53	10.100-236
10.80	10.100-305	10.117-54	10.100-310
10.81-1	10.81	10.117-59	10.100-136
10.84	10.100-299	10.117-61	10.100-129
10.88	10.82	10.117-63	10.100-295
10.88-1	10.83	10.117-68	10.100-341
10.90	10.84	10.117-69	10.100-7
10.94	10.85	10.117-70	10.100-125
10.97	10.100-155	10.117-73	10.100-195
10.98-1	10.100-114	10.117-74	10.100-280
10.100	10.100-359	10.117-75	10.100-60
10.101	10.100-357	10.117-76	10.100-108
10.102	10.100-361	10.117-77	10.100-227
10.109-3	10.100-121	10.117-78	10.100-45
10.109-5	10.100-127	10.117-80	10.100-170
10.109-6	10.100-97	10.117-82	10.100-255
10.109-10	10.100-164	10.117-83	10.100-198
10.110	10.100-201	10.117-85	10.100-320
10.113	10.100-211	10.117-87	10.100-23
10.114-1	10.100-209	10.117-88	10.100-270
10.114-3	10.100-18	10.117-90	10.100-100
10.116-5	10.100-182	10.117-91	10.100-218
10.117	10.100-233	10.117-93	10.100-28
10.117-1	10.100-30	10.117-95	10.100-34
10.117-3	10.100-180	10.117-98	10.100-86
10.117-3.1	10.87	10.117-100	10.100-117
10.117-6	10.100-261	10.117-107	10.100-85
10.117-7	10.100-327	10.117-108	10.100-282
10.117-8	10.100-329	10.117-109	10.100-185
10.117-9	10.100-357	10.117-110	10.100-315
10.117-13	10.100-88	10.117-112	10.100-215
10.117-15	10.100-307	10.117-113	10.100-131
10.117-20	10.100-346	10.117-114	10.100-40
10.117-21	10.100-336	10.117-117	10.100-366
10.117-23	10.100-251	10.117-118	10.100-176
10.117-24	10.100-207	10.117-121	10.100-104
10.117-33	10.100-106	10.117-122	10.100-288
10.117-35	10.100-353	10.117-123	10.100-32
10.117-41	10.100-119	10.117-124	10.100-95
		10.117-125	10.100-351

APPENDIX B: DERIVATION TABLE

<i>Current Section</i>	<i>Similar to Repealed Section</i>	<i>Current Section</i>	<i>Similar to Repealed Section</i>
10.80-1	10.79-4	10.100-155	10.97
10.80-2	10.79-5	10.100-164	10.109-10
10.80-3	10.79-6	10.100-170	10.117-80
10.80-4	10.79-7	10.100-176	10.117-118
10.80-5	10.79-8	10.100-180	10.117-3
10.81	10.81-1	10.100-182	10.116-5
10.82	10.88	10.100-185	10.117-109
10.83	10.88-1	10.100-195	10.117-73
10.84	10.90	10.100-198	10.117-83
10.85	10.94	10.100-201	10.110
10.87	10.117-3.1	10.100-207	10.117-24
10.100-7	10.117-69	10.100-209	10.114-1
10.100-18	10.114-3	10.100-211	10.113
10.100-23	10.117-87	10.100-215	10.117-112
10.100-28	10.117-93	10.100-218	10.117-91
10.100-30	10.117-1	10.100-227	10.117-77
10.100-32	10.117-123	10.100-233	10.117
10.100-34	10.117-95	10.100-236	10.117-53
10.100-40	10.117-114	10.100-251	10.117-23
10.100-45	10.117-78	10.100-255	10.117-82
10.100-57	10.117-47	10.100-261	10.117-6
10.100-60	10.117-75	10.100-270	10.117-88
10.100-85	10.117-107	10.100-280	10.117-74
10.100-86	10.117-98	10.100-282	10.117-108
10.100-88	10.117-13	10.100-288	10.117-122
10.100-95	10.117-124	10.100-295	10.117-63
10.100-97	10.109-6	10.100-299	10.84
10.100-100	10.117-90	10.100-305	10.80
10.100-102	10.117-49	10.100-307	10.117-15
10.100-104	10.117-121	10.100-310	10.117-54
10.100-106	10.117-33	10.100-315	10.117-110
10.100-108	10.117-76	10.100-320	10.117-85
10.100-110	10.117-50	10.100-327	10.117-7
10.100-114	10.98-1	10.100-329	10.117-8
10.100-117	10.117-100	10.100-336	10.117-21
10.100-119	10.117-41	10.100-341	10.117-68
10.100-121	10.109-3	10.100-346	10.117-20
10.100-125	10.117-70	10.100-351	10.117-125
10.100-127	10.109-5	10.100-353	10.117-35
10.100-129	10.117-61	10.100-357	10.101, 10.117-9
10.100-131	10.117-113	10.100-359	10.100
10.100-136	10.117-59	10.100-361	10.102
10.100-138	10.117-42	10.100-366	10.117-117

ARTICLE XIV: [RESERVED]

Secs. 10.118 through 10.124.

(Ord. No. 579-58; repealed by Ord. 301-00, File No.
001807, App. 12/22/2000)

ARTICLE XV: CASH REVOLVING FUNDS

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| <p>Sec. 10.125. Cash Revolving Funds—Authorized; Purposes Generally.</p> <p>Sec. 10.126. Cash Revolving Funds—Purposes.</p> <p>Sec. 10.127. Cash Revolving Funds—"Cash Revolving Fund" Construed.</p> <p>Sec. 10.128. Cash Revolving Funds—Subdivisions of Funds; Withdrawals by Check.</p> <p>Sec. 10.129. Cash Revolving Funds—Responsibility for Amount of Funds.</p> <p>Sec. 10.130. Cash Revolving Funds—Accounts; Warrants to Cover Approved Disbursements From Fund.</p> <p>Sec. 10.131. Cash Revolving Funds—Repayment of Disapproved Disbursements.</p> <p>Sec. 10.132. Cash Revolving Funds—Airport; \$10,000.</p> <p>Sec. 10.132-5. Cash Revolving Funds—San Francisco Art Commission; \$500.</p> <p>Sec. 10.133. Cash Revolving Funds—Assessor; \$1,000.</p> <p>Sec. 10.135. Cash Revolving Funds—Department of Building Inspection; \$600.</p> <p>Sec. 10.136. Cash Revolving Funds—City Attorney; \$8,000.</p> <p>Sec. 10.137. Cash Revolving Funds—Administrative Services, Convention Facilities; \$50.</p> <p>Sec. 10.138. Cash Revolving Funds—Civil Service Commission; \$50.</p> | <p>Sec. 10.139. Cash Revolving Funds—Controller; \$200.</p> <p>Sec. 10.140. Cash Revolving Funds—Trial Courts; \$5,000.</p> <p>Sec. 10.143. Cash Revolving Funds—Telecommunications and Information Processing Department; \$6,000.</p> <p>Sec. 10.144. Cash Revolving Funds—Administrative Services, Farmers' Market; \$800.</p> <p>Sec. 10.144-5. Cash Revolving Funds—Fire Department; \$3,000.</p> <p>Sec. 10.145. Cash Revolving Funds—Hetch Hetchy Project; \$10,000.</p> <p>Sec. 10.145-1. Cash Revolving Funds—Human Resources (Workers Compensation Program); \$750.</p> <p>Sec. 10.145-2. Cash Revolving Funds—Human Resources; \$500.</p> <p>Sec. 10.146. Cash Revolving Funds—Juvenile Probation; \$500.</p> <p>Sec. 10.147. Cash Revolving Funds—Laguna Honda Hospital; \$5,000.</p> <p>Sec. 10.150. Cash Revolving Funds—Municipal Railway; \$100,000.</p> <p>Sec. 10.151. Cash Revolving Funds—Department of Parking and Traffic; \$2,000.</p> <p>Sec. 10.152. Cash Revolving Funds—Administrative Services, Public Administrator; \$500.</p> <p>Sec. 10.153. Cash Revolving Funds—Public Defender; \$200.</p> |
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Sec. 10.154.	Cash Revolving Accounts—Public Health; \$43,000.	Sec. 10.164-1.	Cash Revolving Funds—Sheriff Inmate Welfare Fund; \$5,000.
Sec. 10.154-1.	Cash Revolving Funds—Public Health, Community Mental Health Services Vocational Rehabilitation Revolving Fund; \$1,000.	Sec. 10.165.	Cash Revolving Funds—Treasurer-Tax Collector; \$4,500.
Sec. 10.155.	Cash Revolving Funds—Public Library; \$5,000.	Sec. 10.166.	Cash Revolving Funds—Water Department; \$20,000.
Sec. 10.156.	Cash Revolving Funds—Public Utilities Commission; \$20,000.	Sec. 10.168.	Cash Revolving Funds—Adult Probation Department; \$300.
Sec. 10.157.	Cash Revolving Accounts—Department of Human Services; \$450,000.	Sec. 10.169.	Cash Revolving Funds—San Francisco Port Commission; \$5,000.
Sec. 10.158.	Cash Revolving Funds—Public Works; \$10,000.	Sec. 10.169-1.	Cash Revolving Funds—San Francisco City and County Employees' Retirement System; \$500.
Sec. 10.158-1.	Cash Revolving Funds—Purchasing Department.	Sec. 10.169-3.	Cash Revolving Funds—Board of Supervisors; \$500.
Sec. 10.159.	Cash Revolving Funds—County Clerk; \$500.	Sec. 10.169-5.	Cash Revolving Funds—San Francisco War Memorial; \$1,000.
Sec. 10.160.	Cash Revolving Funds—Authorized; Recreation and Park Department; \$5,000.	Sec. 10.169-7.	Cash Revolving Funds—Administrative Services, Animal Care and Control; \$2,000.
Sec. 10.160-1.	Cash Revolving Funds—Recreation and Park Department, San Francisco County Fair; \$5,000.	Sec. 10.169-8.	Cash Revolving Funds—Residential Rent Stabilization and Arbitration Board; \$100.
Sec. 10.161.	Cash Revolving Funds—Recreation Camp Mather; \$750.	Sec. 10.169-10.	Cash Revolving Funds—Office of Citizen Complaints; \$100.
Sec. 10.162.	Cash Revolving Funds—Department of Elections; \$500 (may also be used, with the approval of the Controller, to reimburse election judges, inspectors and other poll workers).	Sec. 10.169-12.	Cash Revolving Funds—Commission on the Environment; \$100.
Sec. 10.163.	Cash Revolving Funds—San Francisco General Hospital; \$10,000.	Sec. 10.169-13.	Cash Revolving Funds—Administrative Services, Real Estate; \$100.
Sec. 10.164.	Cash Revolving Funds—Sheriff; \$8,000.	Sec. 10.169-14.	Cash Revolving Funds—City Planning Department; \$200.
		Sec. 10.169-15.	Cash Revolving Funds—Commission on Aging; \$200.

- Sec. 10.169-16. Cash Revolving Funds—District Attorney; \$200.
- Sec. 10.169-17. Cash Revolving Funds—Human Rights Commission; \$200.
- Sec. 10.169-18. Cash Revolving Funds—Ethics Commission; \$100.
- Sec. 10.169-19. Cash Revolving Funds—Administrative Services, Purchasing; \$7,000.
- Sec. 10.169-20. Cash Revolving Funds—Board of Appeals; \$150.
- Sec. 10.169-21. Cash Revolving Funds—Administrative Services, Medical Examiner Coroner; \$500.
- Sec. 10.170. Grant—Application Procedure.
- Sec. 10.170-1. Grant Funds—Acceptance and Expenditure.
- Sec. 10.170-2. Accounting for Grants; Duties of Controller, Officers, Boards or Commissions.
- Sec. 10.170-2.5. Limitations upon Expenditure of Grant Funds.
- Sec. 10.170-3. Acceptance of Provisions of Section 13522 of Penal Code.
- Sec. 10.170-4. Probation and Corrections Officers Training Funds.
- Sec. 10.171. Code Enforcement.
- Sec. 10.172. Authorizing Acceptance of State Aid for Alcoholism Programs.
- Sec. 10.173. Findings.
- Sec. 10.174. Discharging Firearm at Peace Officers or Firemen; Reward.
- Sec. 10.176. Rewards; Ineligible Persons.
- Sec. 10.177. Payment.
- Sec. 10.177-1. Willful Misconduct Resulting in Injury or Death of Persons or Damage, Destruction or Theft of Property; Reward; Payment.

SEC. 10.125. CASH REVOLVING FUNDS—AUTHORIZED; PURPOSES GENERALLY.

Cash revolving funds for departments are hereby continued or established in such amounts as have been or may be specifically appropriated or made available to each to be used in connection with the operations of the respective departments for making cash change, for making petty cash purchases and for disbursements which cannot be conveniently made by warrants or checks drawn by the Controller upon the treasury of the City and County.

Such petty cash purchases and disbursements shall be for purposes and within funds available in the appropriations from which said revolving fund claims are to be reimbursed; and shall be in conformity with applicable rules and regulations prescribed by the Purchaser of Supplies and the Controller. (Added by Ord. 17-62, App. 1/17/62; amended by Ord. 298-97, App. 7/25/97)

SEC. 10.126. CASH REVOLVING FUNDS—PURPOSES.

Expenditures may be made from departmental revolving funds for such classes of transactions as may be in writing recommended by the department head, approved by the Mayor or Mayor's designee, board or commission, if any, and specifically concurred in by the Controller. (Added by Ord. 17-62, App. 1/17/62; amended by Ord. 278-96, App. 7/3/96)

SEC. 10.127. CASH REVOLVING FUNDS—"CASH REVOLVING FUND," CONSTRUED.

The terms "departmental revolving fund" and "revolving fund," in either the singular or plural, as used hereinafter, shall be taken to be inclusive of any subdivisions of any revolving fund which may be authorized. (Added by Ord. 17-62, App. 1/17/62)

**SEC. 10.128. CASH REVOLVING FUNDS—
SUBDIVISIONS OF FUNDS; WITHDRAWALS
BY CHECK.**

The department head, board or commission, with the concurrence of the Controller, may authorize such subdivisions in any revolving fund as will effect the most efficient operation thereof; provided, however, that all amounts for other than cash change and petty cash purposes shall be maintained in banks or a bank designated by the Treasurer. Withdrawals from such banks shall be made by checks signed by at least two representatives designated by the department head, board or commission. A duplicate copy of the monthly bank statement shall be sent directly from the bank to the Treasurer of the City and County. (Added by Ord. 17-62, App. 1/17/62; amended by Ord. 298-97, App. 7/25/97)

**SEC. 10.129. CASH REVOLVING FUNDS—
RESPONSIBILITY FOR AMOUNT OF FUNDS.**

The duly appointed and acting head of the respective department for which a revolving fund has been provided shall be responsible for the full amount of the revolving fund for his or her department. (Added by Ord. 17-62, App. 1/17/62; amended by Ord. 298-97, App. 7/25/97)

**SEC. 10.130. CASH REVOLVING FUNDS—
ACCOUNTS; WARRANTS TO COVER
APPROVED DISBURSEMENTS FROM FUND.**

The department head, board or commission shall cause a full, true and correct account to be kept of all money received for or disbursed from each revolving fund; and shall, at least once during each month, or such other frequency as may be determined by the Controller, after the continuance or establishment of such revolving fund, cause to be rendered to the Controller a full, true and correct account of all disbursements made from each revolving fund together with proper vouchers supporting the disbursements. Upon his or her approval thereof, the Controller shall draw a warrant in favor of the related revolving fund for the aggregate of the disbursements as approved by himself or herself. (Added by Ord. 17-62, App. 1/17/62; amended by Ord. 298-97, App. 7/25/97)

**SEC. 10.131. CASH REVOLVING FUNDS—
REPAYMENT OF DISAPPROVED
DISBURSEMENTS.**

The supporting vouchers for any disbursement from any revolving fund, which disbursement has been disapproved by the Controller as in his or her opinion, acting under Section A6.303 of the Charter, not being authorized by law or the rules and regulations as provided for in this Article, shall be returned to the department head involved with a demand, upon such department head, to repay to the related revolving fund, within 30 days of the demand aforesaid, the amount of the disapproved disbursement.

Upon the expiration of the 30 days aforesaid, if the amount of the disapproved disbursement has not been repaid, the Controller shall withhold the amount thereof from any sums due and payable to the department head for the related revolving fund; and in writing notify the City Attorney of the full particulars of the case with a request that the City Attorney take such action as may be necessary to effect the required full repayment. A copy of such notification and request shall be simultaneously submitted to the Board of Supervisors. The Controller and the City Attorney are hereby authorized and directed to proceed as in this paragraph provided.

In the event of termination of service of the department head responsible for the revolving fund, before full repayment thereto has been made as hereinabove set forth, the Controller shall have the right to withhold from any sums due and payable to the person aforesaid including but not restricted to the person's retirement accumulations or credits until repayment has been made in full. (Added by Ord. 17-62, App. 1/17/62; amended by Ord. 298-97, App. 7/25/97)

**SEC. 10.132. CASH REVOLVING FUNDS—
AIRPORT; \$10,000.**

(Amended by Ord. 597-82, App. 12/24/82; Ord. 298-97, App. 7/25/97)

**SEC. 10.132-5. CASH REVOLVING FUNDS—
SAN FRANCISCO ART COMMISSION; \$500.**

(Added by Ord. 20-71, App. 1/26/71; amended by Ord. 298-97, App. 7/25/97)

SEC. 10.133. CASH REVOLVING FUNDS—ASSESSOR; \$1,000.

(Added by Ord. 17-62, App. 1/17/62; amended by Ord. 298-97, App. 7/25/97)

SEC. 10.135. CASH REVOLVING FUNDS—DEPARTMENT OF BUILDING INSPECTION; \$600.

(Added by Ord. 17-62, App. 1/17/62; amended by Ord. 298-97, App. 7/25/97; Ord. 210-05, File No. 051231, App. 8/18/2005)

SEC. 10.136. CASH REVOLVING FUNDS—CITY ATTORNEY; \$8,000.

(Amended by Ord. 76-82, App. 2/1/82; Ord. 125-88, App. 3/24/88; Ord. 33-00, File No. 000063, Eff. 2/25/2000)

SEC. 10.137. CASH REVOLVING FUNDS—ADMINISTRATIVE SERVICES—CONVENTION FACILITIES; \$50.

(Added by Ord. 17-62, App. 1/17/62; amended by Ord. 298-97, App. 7/25/97)

SEC. 10.138. CASH REVOLVING FUNDS—CIVIL SERVICE COMMISSION; \$50.

(Amended by Ord. 349-75, App. 8/6/75; Ord. 298-97, App. 7/25/97)

SEC. 10.139. CASH REVOLVING FUNDS—CONTROLLER; \$200.

(Added by Ord. 17-62, App. 1/17/62; amended by Ord. 298-97, App. 7/25/97)

SEC. 10.140. CASH REVOLVING FUNDS—TRIAL COURTS; \$5,000.

(Amended by Ord. 346-77, App. 7/21/77; Ord. 384-95, App. 12/14/95; Ord. 298-97, App. 7/25/97)

Sec. 10.142.

(Added by Ord. 17-62, App. 1/17/62; amended by Ord. 298-97, App. 7/25/97; repealed by Ord. 9-05, File No. 041630, App. 1/21/2005)

SEC. 10.143. CASH REVOLVING FUNDS—TELECOMMUNICATIONS AND INFORMATION PROCESSING DEPARTMENT; \$6,000.

(Amended by Ord. 350-81, App. 6/16/81; Ord. 372-85, App. 8/1/85; Ord. 298-97, App. 7/25/97)

SEC. 10.144. CASH REVOLVING FUNDS—ADMINISTRATIVE SERVICES, FARMERS' MARKET; \$800.

(Added by Ord. 17-62, App. 1/17/62; amended by Ord. 124-88, App. 3/24/88; Ord. 298-97, App. 7/25/97)

SEC. 10.144-5. CASH REVOLVING FUNDS—FIRE DEPARTMENT; \$3,000.

(Amended by Ord. 446-85, App. 9/27/85)

SEC. 10.145. CASH REVOLVING FUNDS—HETCH HETCHY PROJECT; \$10,000.

(Amended by Ord. 519-81, App. 10/30/81; Ord. 298-97, App. 7/25/97)

SEC. 10.145-1. CASH REVOLVING FUNDS—HUMAN RESOURCES (WORKERS COMPENSATION PROGRAM); \$750.

(Added by Ord. 298-97, App. 7/25/97)

SEC. 10.145-2. CASH REVOLVING FUNDS—HUMAN RESOURCES; \$500.

(Added by Ord. 298-97, App. 7/25/97)

SEC. 10.146. CASH REVOLVING FUNDS—JUVENILE PROBATION; \$500.

(Amended by Ord. 511-80, App. 10/29/80; Ord. 298-97, App. 7/25/97)

SEC. 10.147. CASH REVOLVING FUNDS—LAGUNA HONDA HOSPITAL; \$5,000.

(Amended by Ord. 292-86, App. 7/3/86; Ord. 298-97, App. 7/25/97)

Sec. 10.148.

(Added by Ord. 17-62, App. 1/17/62; repealed by Ord. 211-02, File No. 021417, App. 10/25/2002)

SEC. 10.150. CASH REVOLVING FUNDS—MUNICIPAL RAILWAY; \$100,000.

(Amended by Ord. 20-86, App. 2/7/86; Ord. 431-88, App. 9/16/88; Ord. 298-97, App. 7/25/97)

SEC. 10.151. CASH REVOLVING FUNDS—DEPARTMENT OF PARKING AND TRAFFIC; \$2,000.

(Amended by Ord. 202-83, App. 4/11/83; Ord. 378-90, App. 11/21/90; Ord. 298-97, App. 7/25/97)

SEC. 10.152. CASH REVOLVING FUNDS—ADMINISTRATIVE SERVICES, PUBLIC ADMINISTRATOR; \$500.

(Amended by Ord. 576-83, App. 12/2/83; Ord. 298-97, App. 7/25/97)

SEC. 10.153. CASH REVOLVING FUNDS—PUBLIC DEFENDER; \$200.

(Amended by Ord. 346-83, App. 3/18/83; Ord. 298-97, App. 7/25/97)

SEC. 10.154. CASH REVOLVING ACCOUNTS—PUBLIC HEALTH; \$43,000.

(Amended by Ord. 188-81, App. 4/20/81; Ord. 298-97, App. 7/25/97; Ord. 241-01, File No. 011934, App. 12/7/2001)

SEC. 10.154-1. CASH REVOLVING FUNDS—PUBLIC HEALTH, COMMUNITY MENTAL HEALTH SERVICES VOCATIONAL REHABILITATION REVOLVING FUND; \$1,000.

(Added by Ord. 597-83, App. 12/16/83; amended by Ord. 298-97, App. 7/25/97)

SEC. 10.155. CASH REVOLVING FUNDS—PUBLIC LIBRARY; \$5,000.

(Amended by Ord. 594-79, App. 12/3/79; Ord. 298-97, App. 7/25/97)

SEC. 10.156. CASH REVOLVING FUNDS—PUBLIC UTILITIES COMMISSION; \$20,000.

(Amended by Ord. 138-84, App. 4/6/84; Ord. 298-97, App. 7/25/97)

SEC. 10.157. CASH REVOLVING ACCOUNTS—DEPARTMENT OF HUMAN SERVICES; \$260,000.

(Amended by Ord. 494-80, App. 10/24/80; Ord. 408-89, App. 11/8/89; Ord. 302-93, App. 9/24/93; Ord. 298-97, App. 7/25/97; Ord. 132-00, File No. 000794, App. 6/9/2000; Ord. 191-04, File No. 040876, App. 7/22/2004)

SEC. 10.158. CASH REVOLVING FUNDS—PUBLIC WORKS; \$10,000.

(Amended by Ord. 403-86, App. 10/3/86; Ord. 379-90, App. 11/21/90; Ord. 298-97, App. 7/25/97)

SEC. 10.158-1. CASH REVOLVING FUNDS—PURCHASING DEPARTMENT; \$5,000.

(Added by Ord. 439-96, App. 11/8/96; amended by Ord. 156-99, File No. 990743, App. 6/2/99)

SEC. 10.159. CASH REVOLVING FUNDS—COUNTY CLERK; \$500.

(Added by Ord. 298-97, App. 7/25/97)

SEC. 10.160. CASH REVOLVING FUNDS—AUTHORIZED; RECREATION AND PARK DEPARTMENT; \$5,000.

(Amended by Ord. 442-83, App. 9/2/83; Ord. 356-89, App. 10/13/89; Ord. 298-97, App. 7/25/97)

SEC. 10.160-1. CASH REVOLVING FUNDS—RECREATION AND PARK DEPARTMENT, SAN FRANCISCO COUNTY FAIR; \$5,000.

(Added by Ord. 337-90, App. 10/5/90; amended by Ord. 298-97, App. 7/25/97)

SEC. 10.161. CASH REVOLVING FUNDS—RECREATION CAMP MATHER; \$750.

(Added by Ord. 17-62, App. 1/17/62; amended by Ord. 298-97, App. 7/25/97)

SEC. 10.162. CASH REVOLVING FUNDS—DEPARTMENT OF ELECTIONS; \$500, (may also be used, with the approval of the Controller, to reimburse election judges, inspectors and other poll workers).

(Amended by Ord. 476-81, App. 9/21/81, Ord. 298-97, App. 7/25/97)

**SEC. 10.163. CASH REVOLVING FUNDS—
SAN FRANCISCO GENERAL HOSPITAL;
\$10,000.**

(Amended by Ord. 188-81, App. 4/20/81; Ord. 298-97, App. 7/25/97)

**SEC. 10.164. CASH REVOLVING FUNDS—
SHERIFF; \$8,000.**

(Amended by Ord. 441-83, App. 9/2/83; Ord. 329-89, App. 9/20/89; Ord. 102-95, App. 4/21/95; Ord. 34-96, App. 1/18/96; Ord. 298-97, App. 7/25/97; Ord. 268-00, File No. 001851, App. 11/23/2000)

**SEC. 10.164-1. CASH REVOLVING FUNDS—
SHERIFF INMATE WELFARE FUND; \$5,000.**

(Added by Ord. 33-96, App. 1/18/96; amended by Ord. 269-00, File No. 001852, App. 11/23/2000)

Sec. 10.164-2.

(Added by Ord. 298-97, App. 7/25/97; repealed by Ord. 270-00, File No. 001853, App. 11/23/2000)

**SEC. 10.165. CASH REVOLVING FUNDS—
TREASURER-TAX COLLECTOR; \$4,500.**

(Added by Ord. 17-62, App. 1/17/62; amended by Ord. 298-97, App. 7/25/97)

**SEC. 10.166. CASH REVOLVING FUNDS—
WATER DEPARTMENT; \$20,000.**

(Amended by Ord. 32-85, App. 1/17/85; Ord. 298-97, App. 7/25/97)

**SEC. 10.168. CASH REVOLVING FUNDS—
ADULT PROBATION DEPARTMENT; \$300.**

(Added by Ord. 17-62, App. 1/17/62; amended by Ord. 78-91, App. 3/5/91; Ord. 298-97, App. 7/25/97)

**SEC. 10.169. CASH REVOLVING FUNDS—
SAN FRANCISCO PORT COMMISSION; \$5,000.**

(Amended by Ord. 165-81, App. 4/8/81; Ord. 185-93, App. 6/11/93; Ord. 298-97, App. 7/25/97)

**SEC. 10.169-1. CASH REVOLVING FUNDS—
SAN FRANCISCO CITY AND COUNTY
EMPLOYEES' RETIREMENT SYSTEM; \$500.**

(Added by Ord. 169-71, App. 7/8/71)

**SEC. 10.169-3. CASH REVOLVING FUNDS—
BOARD OF SUPERVISORS; \$500.**

(Added by Ord. 44-76, App. 2/27/76; amended by Ord. 212-95, App. 6/30/95; Ord. 298-97, App. 7/25/97)

Sec. 10.169.4.

(Amended by Ord. 163-85, App. 3/28/85; Ord. 298-97, App. 7/25/97; repealed by Ord. 317-00, File No. 001912, App. 12/28/2000)

**SEC. 10.169-5. CASH REVOLVING FUNDS—
SAN FRANCISCO WAR MEMORIAL; \$1,000.**

(Added by Ord. 463-83, App. 9/15/83; amended by Ord. 43-92, App. 2/14/92; Ord. 298-97, App. 7/25/97)

**SEC. 10.169-7. CASH REVOLVING FUNDS—
ADMINISTRATIVE SERVICES, ANIMAL
CARE AND CONTROL; \$2,000.**

(Added by Ord. 182-89, App. 6/5/89; amended by Ord. 374-90, App. 11/16/90; Ord. 298-97, App. 7/25/97)

**SEC. 10.169-8. CASH REVOLVING FUNDS—
RESIDENTIAL RENT STABILIZATION AND
ARBITRATION BOARD; \$100.**

(Added by Ord. 282-90, App. 7/24/90; amended by Ord. 298-97, App. 7/25/97)

**SEC. 10.169-10. CASH REVOLVING FUNDS—
OFFICE OF CITIZEN COMPLAINTS; \$100.**

(Added by Ord. 232-93, App. 7/22/93; amended by Ord. 298-97, App. 7/25/97)

Sec. 10.169-11.

(Added by Ord. 307-93, App. 10/5/93; amended by Ord. 298-97, App. 7/25/97; repealed by Ord. 197-05, File No. 051133, App. 7/29/2005)

**SEC. 10.169-12. CASH REVOLVING FUNDS—
COMMISSION ON THE ENVIRONMENT; \$100.**

(Added by Ord. 298-97, App. 7/25/97)

**SEC. 10.169-13. CASH REVOLVING FUNDS—
ADMINISTRATIVE SERVICES, REAL
ESTATE; \$100.**

(Added by Ord. 298-97, App. 7/25/97)

**SEC. 10.169-14. CASH REVOLVING FUNDS—
CITY PLANNING DEPARTMENT; \$200.**

(Added by Ord. 298-97, App. 7/25/97)

**SEC. 10.169-15. CASH REVOLVING FUNDS—
COMMISSION ON AGING; \$200.**

(Added by Ord. 298-97, App. 7/25/97)

**SEC. 10.169-16. CASH REVOLVING FUNDS—
DISTRICT ATTORNEY; \$200.**

(Added by Ord. 298-97, App. 7/25/97)

**SEC. 10.169-17. CASH REVOLVING FUNDS—
HUMAN RIGHTS COMMISSION; \$200.**

(Added by Ord. 298-97, App. 7/25/97)

**SEC. 10.169-18. CASH REVOLVING FUNDS—
ETHICS COMMISSION; \$100.**

(Added by Ord. 298-97, App. 7/25/97)

**SEC. 10.169-19. CASH REVOLVING FUNDS—
ADMINISTRATIVE SERVICES,
PURCHASING; \$7,000.**

(Added by Ord. 298-97, App. 7/25/97)

**SEC. 10.169-20. CASH REVOLVING FUNDS—
BOARD OF APPEALS; \$150.**

(Added by Ord. 298-97, App. 7/25/97)

**SEC. 10.169-21. CASH REVOLVING FUNDS—
ADMINISTRATIVE SERVICES, MEDICAL
EXAMINER CORONER; \$500.**

(Added by Ord. 298-97, App. 7/25/97)

**SEC. 10.170. GRANT—APPLICATION
PROCEDURE.**

(a) Applications for federal, State, or other grants involving any project or program shall be filed on behalf of a department upon the approval by the department head.

(b) For annual or otherwise recurring grants of \$5,000,000 or more, the department head shall submit a resolution articulating the grant application to the Board of Supervisors at least 60 days prior to the grant deadline for review and approval. The department shall provide as supporting documents to the resolution all relevant materials, including but not limited to the funding source's grant criteria, the department's most recent draft of its grant application materials, anticipated funding categories that the department will establish in the subsequent Request for Proposals (RFPs) process, and comments from any relevant citizen advisory body. Should the department fail to submit the resolution and/or supporting documents prior to the 60-day deadline, all funds received through the grant application shall be placed on reserve at the Board of Supervisors.

For applications for annual or otherwise recurring grants of \$5,000,000 or more that anticipate the issuance of Requests for Proposals, the department head shall submit a resolution articulating anticipated funding categories to the Board of Supervisors at least 60 days prior to the issuance of the RFPs for review and approval. The department shall provide as supporting documents to the resolution all relevant materials, including but not limited to the funding source's grant criteria, the department's most recent draft of its grant application materials, and comments from any relevant citizen advisory body. Should the department fail to submit the resolution and/or supporting documents prior to the 60-day deadline, all funds received through the grant application shall be placed on reserve at the Board of Supervisors.

The Board of Supervisors shall approve the resolution before the department head issues the RFPs. Should the Board of Supervisors neither approve nor disapprove a resolution submitted by a department head for review and approval by three business days prior to the issuance date for RFPs, the department head may issue the RFPs.

In exercising its powers of review and approval of the aforementioned grant applications, the Board of Supervisors shall take into account whether, and to what degree, its policy priorities, and those expressed by the Mayor's Office and any applicable citizen advisory bodies, have been addressed.

(c) The provisions of subsection (b) above are not intended to apply to annual or otherwise recurring Department of Homeland Security grants, grants for equipment purchases, or capital grants used only for capital improvements or as authorized by federal or state law. (Amended by Ord. 93-86, App. 3/21/86; Ord. 204-90, App. 6/8/90; Ord. 401-90, App. 12/20/90; Ord. 187-91, App. 5/23/91; Ord. 301-91, App. 8/6/91; Ord. 931-97, App. 10/17/97; Ord. 265-05, File No. 051414, App. 11/18/2005)

SEC. 10.170-1. GRANT FUNDS— ACCEPTANCE AND EXPENDITURE.

The acceptance and expenditure of federal, State, or other grant funds is subject to the approval by resolution of the Board of Supervisors in the following manner:

(a) Any department, board, or commission that requests the approval to accept and expend grant funds by the Board of Supervisors shall submit the following documents to the Board prior to its consideration:

(1) A proposed resolution approving the acceptance and expenditure of grant funds, signed by the department head, the Mayor or his or her designee, and the Controller;

(2) A completed "Grant Information Form." The Clerk of the Board shall prepare the form; it shall include a disability access checklist, indirect cost recovery, and other information as the Board of Supervisors may require;

(3) A copy of the grant application;

(4) A letter of intent to award the grant or acknowledgment of grant award from the granting agency;

(5) A cover letter to the Clerk of the Board of Supervisors substantially conforming to the specifications of the Clerk of the Board.

(b) **Grant Funded Positions.** No position funded by a grant shall be authorized or filled unless the classification, duration, and number of positions to be funded by the grant are specifically set forth in the resolution approving acceptance and expenditure or in the grant budget submitted to and in the file of the Board of Supervisors.

(c) **Recurring Grants.** Grants that provide funding to departments or programs of the City and

County in a recurring manner or continue funding from one year to the next shall be included in the annual budget submission by the department.

The departmental budget submission shall also include a budget detail, explanations and substantiations of the grant funding. If it is not possible for the department to include recurring grant funds in its annual departmental budget submission, the acceptance and expenditure of a recurring grant shall follow the procedure set forth in paragraph (a) of this Section.

(d) **Indirect Costs.** Every grant budget shall contain provisions for the reimbursement of indirect costs. Such indirect costs provisions shall reimburse the City and County from grant funds for administrative services that are necessary for the administration and performance of the project or program. Every department, office, board or commission shall establish a rate for such indirect costs that is approved by the Controller and fixed in accordance with a directive issued by the Controller. The indirect cost rate shall be included in the grant budget that is submitted to the Board of Supervisors and in the authorizing resolution.

The receipt and expenditure of grant funds shall not be approved by the Board of Supervisors unless the Controller has certified that provisions for appropriate indirect cost reimbursement is included in the grant budget.

If indirect costs are not allowed by the funding agency, or for other reasons indirect costs cannot be included in the budget, these reasons shall be stated in the authorizing resolution. Upon approving acceptance and expenditure, the Board of Supervisors may waive the requirement for the inclusion of reimbursement of indirect costs.

(e) **Grant Budget.** Every department, board, commission, agency, or office submitting a budget for a grant of public funds to the Board of Supervisors pursuant to this Section shall submit such budget in a format that conforms to and provides the detail substantiation that is required of similar appropriations in the annual budget for the City and County. The mission and goals statement, which is required as part of the annual budget, is not required by this Section for submittal of a grant budget.

(f) **Grant Budget—Revision.** A department, agency, or office may reallocate or transfer funds of line item expenditures within an approved grant budget, if such reallocations or transfers are within the total of the approved budget and are allowed by the granting agency. If any line item of a federal or State grant is modified or increased by more than 15 percent, copies of documentation of such modification or increase which are transmitted to federal or State agencies shall also be transmitted to the Board of Supervisors.

(g) **Grant—Draw Down of Funds.** Departments, agencies, boards, and commissions shall promptly draw down grant funds from a federal, State, or other funding agency and deposit such funds in the Treasury of the City and County of San Francisco to minimize the displacement of City funds that support grant activities.

(h) **Grant—Transportation Authority.** The provisions of this Section shall not be applicable to applications for or expenditure of funds from the San Francisco County Transportation Authority. The Controller shall prescribe rules for the acceptance and expenditure of such funds. (Added by Ord. 391-97, App. 10/17/97)

SEC. 10.170-2. ACCOUNTING FOR GRANTS; DUTIES OF CONTROLLER, OFFICERS, BOARDS OR COMMISSIONS.

Upon receipt of a federal, State or other grant, the officer, employer, board or commission authorized to file application therefor pursuant to the provisions of Section 10.170 hereof, shall forthwith notify the Controller of such receipt. The Controller shall keep accounts of all such grants adequate to record the status of any such grant during the life thereof. All officers and employees shall keep such records and render to the Controller such grant reports as the Controller may require to comply with the provisions of this Section. (Added by Ord. 129-73, App. 4/5/73; amended by 391-97, App. 10/17/97)

SEC. 10.170-2.5. LIMITATIONS UPON EXPENDITURE OF GRANT FUNDS.

Notwithstanding the provisions of Section 11.1 of Ordinance No. 244-77 (Annual Appropriation Ordinance, Fiscal Year 1977-1978), no federal, State

or other grant funds received by any officer, employee, board or commission pursuant to an application filed in accordance with the provisions of Section 10.170 of this Article shall be expended in whole or in part unless and until such expenditure is approved by the Board of Supervisors. (Added by Ord. 469-78, App. 10/20/78)

SEC. 10.170-3. ACCEPTANCE OF PROVISIONS OF SECTION 13522 OF PENAL CODE.

The City and County of San Francisco hereby declares that it desires to qualify for receipt of aid for peace officers' training from the State of California under the provisions of Chapter 1, Title 4, Part 4 of the California Penal Code. And pursuant to Section 13522 of said Chapter 1, the City and County of San Francisco does hereby undertake and agree to adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

The Board of Supervisors shall authorize the filing of an application for financial aid from the California Peace Officers' Training Fund, and shall authorize acceptance thereof, which authorization procedures shall be consistent with the provisions of the immediately preceding section. (Amended by Ord. 134-75, App. 4/9/75; Ord. 401-90, App. 12/20/90; Ord. 391-97, App. 10/17/97)

SEC. 10.170-4. PROBATION AND CORRECTIONS OFFICERS TRAINING FUNDS.

(a) The City and County of San Francisco hereby declares that it desires to receive aid from the State of California for the training of local probation and corrections officers under the provisions of Part 3, Title 7, Chapter 5, commencing with Section 6035 of the California Penal Code

(b) The City and County of San Francisco, while receiving aid from the State of California pursuant to Section 6035 et seq. of the California Penal Code, will adhere to the standards of recruitment and training established by the California Board of Corrections; provided, however, that the costs of such compliance are fully reimbursed or reimbursable by the State of California and no additional costs will be incurred by the City and County

(c) The Board of Supervisors shall authorize the filing of an application for financial aid from the Board of Corrections Standards and Training of Local Corrections and Probation Officers Program and authorize acceptance thereof, which authorization procedures shall be consistent with the provisions of Paragraph (b) of this Section. (Added by Ord. 540-80, App. 11/17/80; amended by Ord. 401-90, App. 12/20/90)

Sec. 10.170-5.

(Added by Ord. 485-87, App. 12/23/87; repealed by Ord. 317-00, File No. 001912, App. 12/28/2000)

SEC. 10.171. CODE ENFORCEMENT.

The Director of Public Works is hereby empowered, authorized and directed, with the approval of the Mayor or the Mayor's designee to do any and all things necessary to plan and carry out any program of concentrated code enforcement required by contract between the City and County and the Secretary of the Department of Housing and Urban Development of the United States and for the assistance of which a code enforcement grant has been made to the City and County by said secretary pursuant to the provisions of Section 117 of Title I of the Housing Act of 1949, as amended. (Added by Ord. 279-66, App. 11/21/66; amended by Ord. 278-96, App. 7/3/96)

SEC. 10.172. AUTHORIZING ACCEPTANCE OF STATE AID FOR ALCOHOLISM PROGRAMS.

The Director of Public Health is authorized to apply to and accept aid from the State Department of Vocational Rehabilitation for alcoholism programs conducted by the Department of Public Health. (Added by Ord. 41-68, App. 2/29/68; amended by Ord. 278-96, App. 7/3/96)

SEC. 10.173. FINDINGS.

It is hereby declared:

That firearms have been and are being discharged at peace officers and firemen engaged in the performance of their official duties within the City and County of San Francisco;

That such incidents have caused and are causing disruption in the police and fire protection programs

being carried out in said City and County and constitute a menace to the health, safety, morals and welfare of the residents thereof and impair economic values;

That the apprehension and conviction of any person or persons responsible for such incidents will deter others from the commission of similar acts and is necessary for the immediate preservation of the public peace, health, safety and welfare in said City and County in that it will enable the continuous provision of complete police and fire protection to the entire community free from the danger of such incidents; and

That it is in the public interest that a reward be offered for information leading to the arrest and conviction of any person or persons discharging a firearm at or in the direction of a peace officer or a fireman while said peace officer or fireman is engaged in the performance of his or her official duties within the City and County of San Francisco. (Added by Ord. 363-68, App. 12/26/68)

SEC. 10.174. DISCHARGING FIREARM AT PEACE OFFICERS OR FIREMEN; REWARD.

The Mayor may, upon application of the Chief of Police or the Chief of the Fire Department, or at his or her own discretion, offer a reward of not more than \$5,000 for information leading to the arrest and conviction of any person who, in violation of any applicable statute of the State of California, discharges any firearm at or in the direction of a peace officer or a fireman while said peace officer or fireman is engaged in the performance of his or her official duties within the City and County of San Francisco. Any such reward which may become payable under the order of the Mayor shall be paid out of the treasury of the City and County of San Francisco. (Added by Ord. 363-68, App. 12/26/68)

SEC. 10.176. REWARDS; INELIGIBLE PERSONS.

The Mayor of the City and County of San Francisco is hereby authorized to offer a reward not to exceed \$5,000, payable out of the treasury of the City and County, for the furnishing of information leading to the apprehension and conviction of any

person or persons who wilfully destroy or damage property of the City and County or who commit within the City and County criminal acts against the person or residence of a public officer or employee. No peace officer or any other person barred by Charter provisions or statute from receiving rewards shall be eligible to claim a reward hereunder. (Added by Ord. 87-70, App. 3/26/70)

SEC. 10.177. PAYMENT.

The Controller is hereby authorized and directed to pay out of any appropriation created for the purpose any reward authorized by the Mayor pursuant to the provisions of Section 10.176 hereof, provided that a claim therefor is filed within 60 days after conviction and said claim is approved by the Mayor. (Added by Ord. 87-70, App. 3/26/70)

SEC. 10.177-1. WILLFUL MISCONDUCT RESULTING IN INJURY OR DEATH OF PERSONS OR DAMAGE, DESTRUCTION OR THEFT OF PROPERTY; REWARD; PAYMENT.

(a) Pursuant to the provisions of Section 53069.5 of Government Code, the Mayor is hereby authorized, from time to time, to offer a reward, not to exceed \$100,000, payable out of the treasury of the City and County for the furnishing of information leading to the determination of the identity, apprehension and conviction of any person whose willful misconduct results in injury or death to any person or who willfully damages, destroys or appropriates any property.

(b) A claim must be filed within 60 days after conviction and said claim must be recommended by the Mayor and approved by the Board of Supervisors. If more than one claim is approved, the offered reward shall be paid to the claimants on a pro-rata basis. Recommended claims shall be transmitted to the Board of Supervisors within 45 days after expiration of the claim filing period. (Amended by Ord. 460-79, App. 9/17/79)

ARTICLE XVI: COLLECTION ACTIVITIES

- Sec. 10.180. Service Charge—Adult Probation Officer.
- Sec. 10.181. Warrant or Check to be Presented Within One Year.
- Sec. 10.182. Lost Warrants or Checks.
- Sec. 10.183. Community Court Program Administrative Fee.
- Sec. 10.193-1. First Offender Prostitution Program Administration Fee.

SEC. 10.180. SERVICE CHARGE—ADULT PROBATION OFFICER.

Pursuant to California Welfare and Institutions Code Section 279, there is hereby established a service charge to be collected by the Adult Probation Officer and paid into the County General Fund, of two percent in addition to all amounts collected by said officer in any of the following instances:

(a) Money payable to spouse or child in an action for divorce, separate maintenance, or similar action, together with court costs, upon order of a court of competent jurisdiction.

(b) Money payable to or on behalf of a ward or dependent child of the juvenile court or a person concerning whom a petition has been filed in the juvenile court. The probation office may petition the court for approval of any past or prospective disbursement.

(c) Money payable to, by, or on behalf of probationers under the supervision of a probation officer. The probation officer may petition the court for approval of any past or prospective disbursement.

(d) Money payable to a child, wife, or indigent parent when it has been alleged or claimed that there has been a violation of either Section 270, 270a, or 270c of the Penal Code and the matter has been referred to the probation officer by the District Attorney. (Added by Ord. 151-69, App. 4/30/69; amended by Ord. 318-00, File No. 001913, App. 12/28/2000)

SEC. 10.181. WARRANT OR CHECK TO BE PRESENTED WITHIN ONE YEAR.

Except a warrant or check issued for the giving of aid, any other warrant or check drawn on the Treasurer of the City and County of San Francisco is void if not presented to the City and County Treasurer within one year after its date of issuance. (Amended by Ord. 368-84, App. 8/24/84; Ord. 348-95, App. 11/3/95)

SEC. 10.182. LOST WARRANTS OR CHECKS.

(a) Any time within three years from the date on which the original warrant or check becomes void, the payee or assignee on any warrant or check which is void may present such warrant or check to the Controller, or declare by affidavit, filed with the Controller, that such warrant or check has been lost or destroyed, and the Controller is authorized to draw a new warrant or check in favor of the payee in the same amount as the original warrant or check. Any such new warrant or check shall be subject to the same limitations as the original which it replaces.

(b) Any time after three years from the date on which the original warrant or check becomes void, the payee or assignee of any void warrant or check under \$1,000 may present such warrant or check to the Controller, or declare by affidavit, filed with the Controller, that such warrant or check has been lost or destroyed, and the Controller is authorized to draw a new warrant or check in favor of the payee in the same amount as the original. If the Controller deems it necessary, he or she may present a voided warrant or check under \$1,000 to the governing body for its review, approval, and appropriation of funds. Any such new warrant or check shall be subject to the same limitations as the original which it replaces. (Amended by Ord. 368-84, App. 8/24/84; Ord. 435-88, App. 9/22/88; Ord. 348-95, App. 11/3/95)

SEC. 10.183. COMMUNITY COURT PROGRAM ADMINISTRATIVE FEE.

(a) **Purpose.** In order to recover the cost to the City for the District Attorney to participate in the operation of the Community Courts Program, as described in Section 10.100-295 of this Code, the City will collect a Community Court Program Administrative Fee as follows:

(b) **Collection of Fee.** The District Attorney is authorized to collect the Administrative Fee from persons who are determined by the District Attorney to be eligible for the Community Court Program and who elect to participate in the Program. The District Attorney shall explain the basis and amount of any fee to each person in advance of his or her participation in the Community Court Program. The District Attorney is also authorized to collect the Administrative Fee from persons who are eligible for and who elect to participate in the Program but whose cases are heard in an administrative office because there is no community court in the neighborhood in which the incident or dispute occurred.

(c) **Amount of Fee.** Consistent with the Dispute Resolution Program Act (California Business and Professions Code section 465 et seq. and implementing regulations at 16 California Administrative Code section 3600 et seq.), the Administrative Fee shall be assessed on a sliding scale basis. Individuals whose income and resources fall below 100 percent of the federal poverty level shall pay no Administrative Fee. Individuals whose income and resources are between 100 to 200 percent of the federal poverty level shall pay \$75.00 per case. Individuals whose income and resources exceed 200 percent of the federal poverty level shall pay \$115.00 per case. A business participating in the Community Courts Program shall pay \$165.00 per case. Beginning with fiscal year 2005-2006, the Controller shall each year review and adjust the Administrative Fees set in this section without further action by the Board of Supervisors to ensure that the Administrative Fees produce sufficient revenue to support the District Attorney's participation in the Community Court Program, but do not produce revenue that exceeds that necessary to support the District Attorney's participation.

(d) **No Additional Fees.** No agency providing dispute resolution services through the Community Court Program may collect any additional administrative fees from participants in the Community Courts Program.

(e) **Use of Fee.** Consistent with the budgetary and fiscal provisions of the Charter, proceeds received from collection of the Administrative Fee shall be used to recover the costs to the City for the District Attorney to participate in the operation of the Community Courts Program. (Added by Ord 189-05, File No. 051001, App. 7/29/2005)

Sec. 10.184.

(Added by Ord. 225-71, App. 9/2/71; repealed by Ord. 318-00, File No. 001913, App. 12/28/2000)

Sec. 10.187.

(Added by Ord. 606-81, App. 12/24/81; repealed by Ord. 318-00, File No. 001913, App. 12/28/2000)

Sec. 10.191.

(Amended by Ord. 273-72, App. 9/20/72; repealed by Ord. 318-00, File No. 001913, App. 12/28/2000)

Sec. 10.192

(Added by Ord. 261-75, App. 6/11/75; repealed by Ord. 318-00, File No. 001913, App. 12/28/2000)

SEC. 10.193-1. FIRST OFFENDER PROSTITUTION PROGRAM ADMINISTRATIVE FEE.

(a) **Collection Fee.** The District Attorney is authorized to collect an administrative fee from persons arrested for violating Penal Code Section 647(b) who are determined by the District Attorney to be eligible for the District Attorney's First Offender Prostitution Program and who elect to participate in the program.

(b) **Fee Amount.** The fee authorized by Subsection (a) shall be set by the District Attorney to cover the cost of administering the First Offender Prostitution Program but shall not exceed \$500. The District Attorney may establish reduced fee rates for individuals who lack the financial capability to pay the full fee. In no event shall the reduced fee be less than \$100 for any individual participant.

(c) **Fee Modification.** The District Attorney shall examine the fee annually to ensure that it continues to reflect the costs of the services provided by the program. If the District Attorney finds that the maximum authorized fee does not cover the costs of the services provided or that the minimum authorized fee exceeds the costs of the services provided, the District Attorney shall prepare and submit a resolution for approval by the Board of Supervisors to modify the maximum or minimum authorized fee, effective as of the beginning of the following fiscal year.

(d) **Timing of Payment.** The District Attorney shall collect the fee at the time an individual enrolls in the First Offender Prostitution Program. The fee must be paid in full before an individual may participate in the program.

(e) **Administration of Funds.** Proceeds received from collection of the fee under this Section shall be used to defray the costs of administering the First Offender Prostitution Program, subject to the budget and fiscal provisions of the Charter. (Added by Ord. 289-98, App. 9/18/98)

ARTICLE XVII: [RESERVED]

ARTICLE XVIII: GENERAL FUND COST RECOVERY PROCEDURES

- Sec. 10.194. Purposes.
- Sec. 10.195. Controller's Duties.
- Sec. 10.196. Annual Survey.
- Sec. 10.197. Computation of General Service Charge.
- Sec. 10.198. Departmental Budget Estimates.
- Sec. 10.199. Controller's Review.

SEC. 10.194. PURPOSES.

Many of San Francisco's departments, offices, agencies, boards and commissions funded in whole or in part by the General Fund as defined below (hereinafter referred to as service rendering agencies) render services or provide facilities to other San Francisco departments, offices, agencies, boards and commissions funded in whole or in part by special funds as defined below (hereinafter referred to as recipient agencies).

The General Fund is derived from a number of taxes and other general revenue devices, the proceeds of which are not earmarked for specific purposes and are not deemed to fall into the category of special revenues. All other revenues are special revenues and fall into special revenue funding. This ordinance makes a mutually exclusive distinction between the General Fund and Special Revenue Funds. (Added by Ord. 152-80, App. 4/18/80)

SEC. 10.195. CONTROLLER'S DUTIES.

The San Francisco Controller (hereinafter referred to as the Controller) shall be charged with the responsibility for the administration of this Article.

The Controller shall prepare those budgetary procedures, regulations, reporting requirements and guidelines sufficient to enable him or her to determine for each service rendering agency the costs of its operation to the extent services are rendered or facilities provided to recipient agencies and, if not funded directly by recipient agencies, to allocate the cost of that operation on and amongst recipient agencies to the extent that these recipient agencies are

funded from Special Fund sources. (Added by Ord. 152-80, App. 4/18/80)

SEC. 10.196. ANNUAL SURVEY.

The Controller shall on an annual basis conduct a survey to determine which San Francisco agencies render services or provide facilities to (other San Francisco) non General Fund agencies and how much in terms of services and facilities are provided on an annual basis by each service rendering agency to each recipient agency. (Added by Ord. 152-80, App. 4/18/80)

SEC. 10.197. COMPUTATION OF GENERAL SERVICE CHARGE.

Based on the aforementioned services, the Controller shall calculate the total cost of services rendered and facilities provided by all service rendering agencies to each recipient agency and, on a recipient agency by recipient agency basis, shall interpret that total cost into a specific percentage of each rendering agency's total annual expenditures. This percentage shall be known as the general service charge. (Added by Ord. 152-80, App. 4/18/80)

SEC. 10.198. DEPARTMENTAL BUDGET ESTIMATES.

Each recipient agency as part of its annual budget estimate shall include in that estimate an allocation of funds for transfer to the General Fund sufficient to defray the anticipated cost of services to be rendered and facilities to be provided by all rendering agencies, calculated on the basis of its general service charge prepared by the Controller. (Added by Ord. 152-80, App. 4/18/80)

SEC. 10.199. CONTROLLER'S REVIEW.

The Controller shall on an annual basis, as part of his or her duties in reviewing budget estimates submitted to him or her and consolidated by him or her for transmission to the Mayor, verify that the annual

budget for each recipient agency contains an allocation of funds for transfer to the General Fund sufficient to fund the cost of services to be rendered and facilities to be provided by all rendering agencies. In those cases where the Controller determines that the recipient agency has failed in its budget estimate to make the allocation of funds for transfer to the General Fund to defray the cost of rendering services or providing facilities to all service rendering agencies, calculated pursuant to its general service charge, the Controller shall make the appropriate allocation by reducing expenditures for other items in the budget estimates. (Added by Ord. 152-80, App. 4/18/80; amended by Ord. 319-00, File No. 001914, App. 12/28/2000)

Sec. 10.199-1.

(Amended by Ord. 59-83, App. 2/4/83; repealed by Ord. 319-00, File No. 001914, App. 12/28/2000)

Sec. 10.201.

(Added by Ord. 58-82, App. 2/11/82; amended by Ord. 278-96, App. 7/3/96; repealed by Ord. 319-00, File No. 001914, App. 12/28/2000)

Sec. 10.203.

(Added by Ord. 342-87, App. 8/21/87; amended by Ord. 283-90, App. 7/24/90; repealed by Ord. 319-00, File No. 001914, App. 12/28/2000)

Sec. 10.204.

(Added by Ord. 416-93, App. 12/23/93; amended by Ord. 79-96, App. 2/23/96; Ord. 278-96, App. 7/3/96; repealed by Ord. 319-00, File No. 001914, App. 12/28/2000)

Sec. 10.205.

(Added by Ord. 376-96, App. 9/30/96; repealed by Ord. 319-00, File No. 001914, App. 12/28/2000)

ARTICLE XIX: [RESERVED]

ARTICLE XX: LIEN PROCEDURE

- Sec. 10.230. Applicability.
- Sec. 10.230A. Request for Payment; Notice of Delinquent Account and Proposed Lien; Authorization for Lien.
- Sec. 10.231. Report to Board of Supervisors.
- Sec. 10.232. Notice of Hearing.
- Sec. 10.233. Hearing.
- Sec. 10.234. Creation of Lien.
- Sec. 10.235. Recordation; Administrative Costs and Interest.
- Sec. 10.236. Filing With Controller and Tax Collector; Distribution of Proceeds.
- Sec. 10.237. Release of Lien, Recording Fee.

SEC. 10.230. APPLICABILITY.

The following procedures are adopted pursuant to California Government Code Section 54988 and/or the charter city powers of City and County of San Francisco. Where an ordinance of the City and County of San Francisco authorizes the creation and imposition of a lien to enforce financial obligations owed to the City and County of San Francisco, the procedure set forth herein shall govern unless a different lien procedure is specifically provided for. If another ordinance of the City and County authorizes a different lien procedure which is subsequently declared invalid by a court of competent jurisdiction, then the procedures set forth in this Article shall apply. (Added by Ord. 29-89, App. 1/25/89; amended by Ord. 321-00, File No. 001916, App. 12/28/2000)

SEC. 10.230A. REQUEST FOR PAYMENT; NOTICE OF DELINQUENT ACCOUNT AND PROPOSED LIEN; AUTHORIZATION FOR LIEN.

(a) Prior to initiating proceedings under this Article for the imposition of a lien, the department seeking to collect the fee, charge or cost at issue shall mail the property owner a written request for payment. If the fee, charge or cost has not been paid within 30 calendar days of such notice, the department

may initiate lien proceedings pursuant to this Article to recover the amount due. Where another ordinance authorizing a specific lien requires not less than 30 calendar days written notice to the property owner prior to the initiation of lien proceedings, that notice shall constitute compliance with this subsection.

(b) A department seeking to initiate lien proceedings shall, following the end of the 30 calendar day period set forth in subsection (a), send the property owner via certified mail a written notice of proposed lien that shall include information as to the amount due, instructions for payment, and the name and telephone number of a department official to contact for questions or further information. The notice shall further state that if the amount due is not paid within 45 days, it shall be considered a delinquent account subject to lien pursuant to this Article and that before the lien may be imposed, the property owner has the right to appear before the Board of Supervisors at a hearing regarding the amount due. The notice shall also state that if the obligation remains unpaid, administrative fees, penalties and interest (including interest on amounts due after they have become a lien and continuing until paid) pursuant to this Article will accrue and become part of the lien.

(c) To the extent that an ordinance authorizing a specific lien does not provide for notice, or establishes lesser notice requirements, this section shall establish minimum notice requirements. To the extent that an ordinance authorizing a specific lien establishes greater or additional notice requirements, those notice requirements shall control. The provisions of this section are not intended to affect any notice requirements imposed by preemptive state or federal law.

(d) A financial obligation that is subject to this Article, and which remains unpaid after 45 calendar days from the date of the notice required pursuant to subsection (b) shall be deemed a delinquent account. In accordance with the procedures set forth in this Article, the Board of Supervisors may ensure collection of a delinquent account by making the amount

thereof, along with any administrative charges, penalties, fees and interest, a lien against the subject property. (Added by Ord. 321-00, File No. 001916, App. 12/28/2000)

SEC. 10.231. REPORT TO BOARD OF SUPERVISORS.

Each head of a department or office shall report not less than annually to the Board of Supervisors on delinquent accounts as provided herein. The report to the Board of Supervisors shall contain the following information for each such delinquent account:

1. The property owner's name;
2. The purpose of the charge, the payment for which is overdue;
3. The amount due, including penalty and interest;
4. The amount of the unpaid balance, including penalty on the delinquent payment;
5. A description of the parcel or property against which a lien may be assessed. The descriptions of the parcels shall be those used for the same parcels on the Assessor's map books for the current year; and
6. A recommendation on whether the lien procedure is appropriate for such delinquent account; and if not, a detailed explanation of inappropriateness shall be included. (Added by Ord. 29-89, App. 1/25/89; amended by Ord. 321-00, File No. 001916, App. 12/28/2000)

SEC. 10.232. NOTICE OF HEARING.

Upon receipt of such report the Board shall fix a time, date and place for a hearing on the report and any protest or objections thereto, and shall cause notice of the hearing to be sent by certified mail to each owner of the property described in the report not less than 10 days prior to the date of hearing. Such notice shall be mailed to the owner at the address maintained by the Tax Collector for the mailing of property tax bills. In addition, where the proposed lien would be entitled to greater force, effect and priority than that provided by law for a judgment lien, a copy of the notice shall be mailed to other persons who have a recorded interest in the property. (Added by Ord. 29-89, App. 1/25/89; amended by Ord. 321-00, File No. 001916, App. 12/28/2000)

SEC. 10.233. HEARING.

At the time fixed for the hearing on the report, the Board of Supervisors shall consider it along with any protests or objections of the owners of the properties liable to be assessed for delinquent accounts or of other persons with a recorded interest in one or more of the properties. The Board may make such revisions, corrections or modifications of the report as it may deem necessary. In the event that the Board is satisfied with the correctness of the report (as submitted or as revised, corrected or modified), it shall be confirmed by resolution. The decision of the Board on the report and on all protests or objections thereto shall be final and conclusive; provided, however, any delinquent account may be removed from the report by payment in full at any time prior to confirmation of the report. The Clerk of the Board shall cause the confirmed report to be verified in form sufficient to meet recording requirements. (Added by Ord. 29-89, App. 1/25/89; amended by Ord. 321-00, File No. 001916, App. 12/28/2000)

SEC. 10.234. CREATION OF LIEN.

Upon recordation of the confirmed report by the Board, the delinquent charges contained therein shall constitute a lien against the property.

The lien shall continue until the lien value and all interest, fees and penalties due and payable thereon are paid. All laws applicable to the levy, collection and enforcement of ordinary municipal taxes shall be applicable to said lien, subject to two exceptions: (1) if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of taxes would become delinquent, then the lien that would otherwise be imposed by this section shall not attach to the real property and the costs of enforcement relating to the property shall be transferred to the unsecured roll for collection; and (2) liens recorded pursuant to this Article shall only have the force, effect and priority of a judgment lien unless state law confers a different priority. (Added by Ord. 29-89, App. 1/25/89; amended by Ord. 321-00, File No. 001916, App. 12/28/2000)

SEC. 10.235. RECORDATION.

The Clerk of the Board of Supervisors shall cause the confirmed and verified report to be recorded in the County Recorder's office. The lien on each parcel of property described in said report shall carry additional charges for administrative expenses of \$50 or 10 percent of the amount owed, whichever is higher, together with interest at the rate of one percent per full month compounded monthly from the date of recordation of the lien on all charges due.(Added by Ord. 29-89, App. 1/25/89; amended by Ord. 321-00, File No. 001916, App. 12/28/2000)

SEC. 10.236. FILING WITH CONTROLLER AND TAX COLLECTOR; DISTRIBUTION OF PROCEEDS.

The Clerk of the Board of Supervisors shall file a certified copy of each confirmed report with the Controller and Tax Collector within 10 days after confirmation of the report, whereupon it shall be the duty of said officers to add the amount of said lien to the next regular bill for taxes levied against said property for municipal purposes, and thereafter said amount shall be collected at the same time and in the same manner as ordinary City and County ad valorem real property taxes are collected, and shall be subject to the same procedure under foreclosure and sale in case of delinquency as provided for property taxes of the City and County of San Francisco, except that in conducting such a foreclosure and sale, the City shall have only the authority and priority that it is entitled to for enforcement of a judgment lien unless state law confers a different priority..

Except for the release of lien recording fee authorized in Section 10.237, where the expenditure of City funds for which the lien is being imposed was made from departmental funds, all sums collected by the Tax Collector pursuant to this Article shall be allocated to the credit of the department for which the lien was imposed and to such other City departments as are administering collection of the lien for reimbursement of those expenses. Where the costs for which the lien is imposed have been paid from the General Fund instead of departmental funds, the sums collected shall be deposited in the General Fund, and not allocated to the department for which the lien was imposed. Unless otherwise authorized by law, the proceeds of the lien transferred to the department may

be used only to fund the activities or undertakings the charge leading to the lien was designed to fund. (Added by Ord. 29-89, App. 1/25/89; amended by Ord. 321-00, File No. 001916, App. 12/28/2000)

SEC. 10.237. RELEASE OF LIEN, RECORDING FEE.

Upon payment to the Tax Collector of the lien amount plus applicable penalties, administrative fees and interest charges, the Tax Collector shall cause to be recorded a Release of Lien with the County Recorder, and from the sum collected pursuant to Section 10.236, shall pay to the County Recorder a Release of Lien fee of \$9.00. (Added by Ord. 29-89, App. 1/25/89; amended by Ord. 321-00, File No. 001916, App. 12/28/2000)

[The next page is number 393.]

CHAPTER 10A: [RESERVED]

Secs. 10A.1. through 10A.3.

(Added by Ord. 232-69, App. 9/16/67; amended by Ord. 373-87, App. 9/11/87; repealed by Ord. 323-00, File No. 001918, App. 12/28/2000)

[The next page is number 397.]

**CHAPTER 10B: SPECIAL LAW ENFORCEMENT
AND PUBLIC WORKS SERVICES**

CHAPTER 10B: SPECIAL LAW ENFORCEMENT AND PUBLIC WORKS SERVICES

- Sec. 10B.1. Request for Police Services.
- Sec. 10B.2. Payment for Services.
- Sec. 10B.3. Rates of Pay.
- Sec. 10B.4. Minimum Assignment.
- Sec. 10B.5. General Provisions.
- Sec. 10B.11. Request for Street-cleaning and Related Services.
- Sec. 10B.12. Payment for Services.
- Sec. 10B.13. Rates of Pay.
- Sec. 10B.14. Minimum Assignment.
- Sec. 10B.15. General Provisions.
- Sec. 10B.16. Request for Parking Enforcement and Traffic Control and Related Services.
- Sec. 10B.17. Payment for Services.
- Sec. 10B.18. Rates of Pay.
- Sec. 10B.19. Minimum Assignment.
- Sec. 10B.20. Payments in Arrears.
- Sec. 10B.21. Authority to Perform Services for Governmental Entities and for Utilities.

SEC. 10B.1. REQUEST FOR POLICE SERVICES.

Any person, corporation, firm or organization desiring additional personnel, equipment or materials of the San Francisco Police Department, for law enforcement purposes within the City and County of San Francisco, may request the Chief of the San Francisco Police Department to provide such personnel to perform such services. If the Chief of Police approves the request, he or she may detail such personnel for such services in the number he or she determines to be necessary to perform the services. (Amended by Ord. 228-78, App. 5/12/78; Ord. 388-88, App. 8/26/88)

SEC. 10B.2. PAYMENT FOR SERVICES.

(a) Except as provided in subsection (f), below, the person, corporation, firm or organization desiring such services shall pay to the police department such

sums of money as may be necessary to pay for the additional services. The payment shall be computed based upon the rate paid or payable to those uniformed officers of the Police Department actually performing services at the time they are to perform such additional duties, and the cost of additional equipment and materials expended, together with an administrative overhead charge to cover the proportionate percentage of the Department's administrative costs that are attributable in the Department's reasonable discretion to the work performed pursuant to the request.

No person, corporation, firm or organization that contracts with the Police Department for additional services that are: 1) of the type normally provided by police officers on patrol in the designated area; and 2) to be provided at least four days per week, each week, for a period in excess of one year, shall be required to pay an administrative overhead charge, unless such additional services are provided in conjunction with a City permit or license, or are otherwise necessary to mitigate a negative impact created by the activity of the person, corporation, firm or organization contracting for the additional services.

(b) The Police Department shall provide an estimate of the payment for such services to the person, corporation, firm or organization desiring the service within a reasonable time prior to the date service is to be rendered. The person, corporation, firm or organization shall deposit the amount of estimated funds with the Police Department prior to the time that the Police Department renders the requested service. The Police Department may waive the deposit requirement if services are requested for 30 days or more, or if Department reasonably believes that a waiver is justified.

(c) Within a reasonable time after the services are rendered, the Chief of Police shall determine the amount of payment due. If the deposit pursuant to Subsection (b) hereof is insufficient to cover the cost of services, the Chief of Police shall notify the person,

corporation, firm or organization that requested the services by United States mail to the address listed on the request for such services and that party shall have ten days to pay the balance. If the amount deposited exceeds the actual costs, the Chief of Police shall authorize a refund of the excess to the applicant at the address shown on the application.

(d) The Police Department shall deposit with the Treasurer such sums as received in a special account designated public facilities overtime account; provided, however, that the amount representing administrative overhead shall be deposited to the general fund unappropriated balance of funds..

(e) The person, corporation, firm or organization shall indemnify, hold harmless and defend said City and County of San Francisco, the San Francisco Police Department, and all the officers, agents and employees of either, from and against all liability, judgments or claims for personal or bodily injuries, false arrest and false imprisonment caused by or purportedly caused by such personnel in the rendering of such services.

(f) The City shall not waive payment for additional police services pursuant to this Chapter except by ordinance of the Board of Supervisors, provided, however, that the Mayor or the Mayor's designee, may waive, in writing, payment of part of the cost of such services, including but not limited to the administrative overhead charge. In making the determination of whether to waive partial payment of costs, the Mayor, or the Mayor's designee, must consider the following criteria:

(1) Whether the event will be privately funded and will generate sales tax and/or hotel tax revenue to the benefit of the City's General Fund;

(2) Whether the privately event will promote tourism in San Francisco to a broad audience and will have a long term promotional value to San Francisco;

(3) Whether the event will be consistent with the City's policy of promoting a sustainable environment and promotion of diversity and tolerance;

(4) Whether the event will be a safe activity, confined to a specified location or route, and will not result in extraordinary security costs to the City, including excessive deployment of police;

(5) Whether the event be consistent with City policy against glamorizing use of alcohol or tobacco products.

(g) The Mayor, or Mayor's designee, must transmit notice of a conditional issuance of waiver to the Clerk of the Board within seventy-two (72) hours of issuance. The Board, by resolution, may reject the waiver within thirty (30) days of the notice. If the Board votes to reject the waiver, the Mayor, or the Mayor's designee, shall notify the permittee/event sponsor of such rejection. If the Board does not act within thirty (30) days, the waiver will be considered approved. (Amended by Ord. 494-85, App. 11/8/85; Ord. 388-88, App. 8/26/88; Ord. 10-00, File No. 992233, App. 2/9/2000; Ord. 158-02, File No. 021082, App. 7/12/2002; Ord. 276-03, File No. 031466, App. 12/12/2003; Ord. 211-04, File No. 040322, App. 8/25/2004)

SEC. 10B.3. RATES OF PAY.

For services performed in excess of the basic week, police department members shall be compensated on the basis of time and one-half in accordance with the ratio which said excess service bears to the basic week of service and the annual compensation provided therefor in Section A8 451 of the City Charter and applicable memoranda of understanding. (Amended by Ord. 571-83, App. 12/2/83; Ord 158-02, File No. 021082, App 7/12/2002)

SEC. 10B.4. MINIMUM ASSIGNMENT.

Requested services shall be compensated upon the basis of four hours per employee minimum per assignment. (Added by Ord. 318-73, App 8/10/73)

SEC. 10B.5. GENERAL PROVISIONS.

A member of the San Francisco Police Department, detailed to perform services pursuant to this chapter, shall not be entitled to any additional overtime benefits over the above those provided herein. (Added by Ord. 318-73, App 8/10/73)

SEC. 10B.11. REQUEST FOR STREET-CLEANING AND RELATED SERVICES.

Any person, corporation, firm or organization desiring additional personnel, equipment and materials of the San Francisco Department of Public Works, for street-cleaning and related services within the City and County of San Francisco, may request the Director of the Department of Public Works to provide such personnel to perform such services. If the Director approves the request, he or she may detail such personnel for such services in the number he or she determines to be necessary to perform the services. (Added by Ord. 389-88, App. 8/26/88)

SEC. 10B.12. PAYMENT FOR SERVICES.

The person, firm or organization desiring such personnel shall pay to the Department such sums of money as the Director of Public Works estimates shall be necessary to cover the actual costs of the services to be provided, together with an administrative overhead charge to cover the proportionate percentage of the Department's administrative costs that are attributable in the Department's reasonable discretion to the work performed pursuant to the request. Such person, corporation, firm or organization shall indemnify, hold harmless and defend said City and County of San Francisco, the Department of Public Works, and all the officers, agents and employees of either, from any and all liability, judgments or claims for personal or bodily injuries, property damage, or other injuries caused by or purportedly caused by such personnel in the rendering of such services. (Added by Ord. 389-88, App. 8/26/88; amended by Ord. 158-02, File No. 021082, App. 7/12/2002)

SEC. 10B.13. RATES OF PAY.

For services performed in excess of the basic week, Department employees shall be compensated on the basis of time and one-half in accordance with the ratio which said excess service bears to the basic week of service and the annual compensation provided therefor in the City Charter. (Added by Ord. 389-88, App. 8/26/88)

SEC. 10B.14. MINIMUM ASSIGNMENT.

Requested services shall be compensated upon the basis of four hours per employee minimum per assignment. (Added by Ord. 389-88, App. 8/26/88)

SEC. 10B.15. GENERAL PROVISIONS.

Employees of the Department, detailed to perform services pursuant to this chapter, shall not be entitled to any additional overtime benefits over and above those provided herein. (Added by Ord. 389-88, App. 8/26/88)

SEC. 10B.16. REQUEST FOR PARKING ENFORCEMENT AND TRAFFIC CONTROL AND RELATED SERVICES.

Any person, corporation, firm or other organization desiring additional personnel, equipment and materials of the San Francisco Department of Parking and Traffic (for purposes of Section 10B.16 through 10B.19, the "Department") for parking enforcement, traffic control and related services within the City and County of San Francisco, may request the Director of the Department (for purposes of Section 10B.16 through 10B.19, the "Director") to provide such personnel to perform such services. If the Director approves the request, he or she may detail such personnel for such services in the number he or she determines to be necessary to perform the services. (Added by Ord. 414-93, App. 12/23/93)

SEC. 10B.17. PAYMENT FOR SERVICES.

After a request is made for services pursuant to Section 10B.16, the Director shall transmit to the person requesting such services an invoice for the estimated fee necessary to cover the actual costs of the services to be provided, together with an administrative overhead charge to cover the proportionate percentage of the Department's administrative costs that are attributable in the Department's reasonable discretion to the work performed pursuant to the request. No later than 10 days prior to the date on which such services are to be provided, the person, corporation, firm or other organization having requested such services shall deposit with the Department the sum of money shown on such invoice. Within a reasonable time after the requested services

have been provided, the Director shall determine the actual cost of the requested services provided by the Department. If the amount of the deposit is insufficient to cover the cost of the requested services, plus the administrative overhead charge, the Director shall notify the person or entity requesting the services by United States mail to the address listed on the request, and he or she shall have 10 days to pay the balance. If the amount deposited exceeds the actual costs plus the administrative overhead charge, the Director shall authorize a refund of the excess to the person or entity having made the request. If for any reason the request for services is withdrawn after a deposit is made of the estimated costs, the person or entity having requested the services shall be entitled to a refund of that portion of the deposit made representing the costs saved by the Department by reason of the cancellation of the requested services. Each person, corporation, firm or other organization requesting services under this Article shall indemnify, hold harmless and defend the City and County of San Francisco, the Department, and all the officers, agents and employees of both, from any and all liability, judgments or claims for personal or bodily injuries, property damage, or other injuries caused by or purportedly caused by such personnel in the rendering of such services. (Added by Ord. 414-93, App. 12/23/93)

SEC. 10B.18. RATES OF PAY.

For services performed in excess of the basic week, Department employees shall be compensated on the basis of time and one-half, based upon the annual compensation provided for such employees in the City Charter. Employees of the Department detailed to perform services pursuant to this chapter shall not be entitled to any overtime benefits in addition to those provided herein. (Added by Ord. 414-93, App. 12/23/93)

SEC. 10B.19. MINIMUM ASSIGNMENT.

Requested services shall be compensated upon the basis of four hours per employee minimum per assignment. (Added by Ord. 414-93, App. 12/23/93)

SEC. 10B.20. PAYMENTS IN ARREARS.

The Interdepartmental Staff Committee on Traffic and Transportation, San Francisco Police Department, Department of Public Works, and Department of Parking and Traffic, or their successor agencies, shall not approve or issue any street closure permits or any other permits or licenses for any purpose to any person, corporation, firm or organization in arrears for 90 days or more for the payments required under Chapter 10B. (Added by Ord. 189-04, File No. 040766, App. 7/22/2004)

SEC. 10B.21. AUTHORITY TO PERFORM SERVICES FOR GOVERNMENTAL ENTITIES AND FOR UTILITIES.

Each department of the City and County of San Francisco, which in the normal operations under its power and duties is by law and upon deposit of moneys by persons, firms or corporations authorized to perform certain services for and at the cost and expense of said persons, firms or corporations is hereby authorized to perform similar services for the United States of America, the State of California, or any division or agency of either, upon receipt of a legal and proper order or contract to pay to the City and County of San Francisco the full cost and expense of performing the required services upon completion thereof. City-owned public utilities may, with approval of the Controller, perform services for public or privately owned utilities in the manner provided in this paragraph. (Added by Ord. 164-04, File No. 040756, App. 7/22/2004)

**CHAPTER 10C: REIMBURSEMENT FOR TOWING AND
STORAGE OF VEHICLES**

CHAPTER 10C: REIMBURSEMENT FOR TOWING AND STORAGE OF VEHICLES

- Sec. 10C.1. Reimbursement or Waiver of Payment for Tow on Vehicles; Conditions Therefor.
- Sec. 10C.2. Prohibition on Reimbursement.
- Sec. 10C.3. Computing Amount of Reimbursement.
- Sec. 10C.4. Payment of Reimbursements.
- Sec. 10C.5. Time Limit to Request Reimbursement.
- Sec. 10C.6. Information Required.
- Sec. 10C.7. Effect of Policy of Insurance.
- Sec. 10C.8. Investigation by Chief of Police or Director of the Department of Parking and Traffic; Indigent Owner.
- Sec. 10C.9. Requests to be Under Penalty of Perjury.
- Sec. 10C.10. Prosecution of Person Responsible.
- Sec. 10C.11. Subrogation.
- Sec. 10C.12. Reports by the Chief of Police and Director of the Department of Parking and Traffic.

SEC. 10C.1. REIMBURSEMENT OR WAIVER OF PAYMENT FOR TOW ON VEHICLES; CONDITIONS THEREFOR.

(1) Except as provided in Section 10C.8, fees, charges or costs imposed for the towing or storage of vehicles or the amount charged for removal of components of a vehicle may be waived or reimbursed to the owner or person in lawful possession of the vehicle if the fees, charges or costs were incurred:

(a) Because the subject vehicle was towed and stored at the order of the San Francisco Police Department to examine the vehicle for evidence of a crime;

(b) Because the subject vehicle was towed and stored by the order of the San Francisco Police Department or the Department of Parking and Traffic and said towing or storage was not authorized by any of the several provisions of the Vehicle Code of the State of California;

(c) Because officers, agents or employees of the San Francisco Police Department or the Department of Parking and Traffic were negligent in reporting, filing, or recording the circumstances of the towing and storage of the vehicle;

(d) Because officers, agents or employees of the San Francisco Police Department or the Department of Parking and Traffic were negligent in reporting a vehicle as subject to towing or storage or ordering a vehicle towed and stored when, in fact, such vehicle was not subject to towing and storage; or

(e) Because a vehicle was towed or stored by order of the San Francisco Police Department or the Department of Parking and Traffic for removal of components of the vehicle, which components were placed on the vehicle in violation of Section 10751 of the Vehicle Code.

(2) Residents of the City and County of San Francisco who own or are in lawful possession of a vehicle that has been stolen and recovered within the City and County of San Francisco shall be exempt from payment of the administrative fee imposed by Section 170.1 of the Traffic Code.

(3) No person shall be exempt from or reimbursed for tow and storage charges collected pursuant to Section 170.2-A of the Traffic Code.

(4) Pursuant to the provisions of Section 10C.8, indigent owners of vehicles and victims of auto theft shall be exempt from paying fees, charges, or costs imposed for the towing and storage of the vehicle and shall be entitled to reimbursement for the same if collected. (Amended by Ord. 387-84, App. 9/7/84; Ord. 56-92, App. 2/20/92; Ord. 292-94, App. 8/4/94; Ord. 300-99, File No. 991830, App. 11/24/99; Ord. 191-05, File No. 051003, App. 7/29/2005)

SEC. 10C.2. PROHIBITION ON REIMBURSEMENT.

No reimbursement or voucher shall be made to the owner of a vehicle or the person in lawful possession of said vehicle pursuant to the provisions of this chapter, if:

(a) The owner or person in lawful possession of the vehicle is chargeable with violation of any law of the City and County of San Francisco, the State of California or the United States, and said charge relates to the towing and storage of the vehicle or the removal of component parts thereof; or

(b) Reimbursement is requested pursuant to Subsections (c) or (d) of Section 10C.1 of this Chapter and the owner or one in lawful possession of the vehicle was contributorily negligent; or

(c) The owner or other person in lawful possession of a motor vehicle, including a firm or corporation which owns vehicles used for commercial purposes, cannot show evidence of financial responsibility for said vehicle as required by Section 16020 of the California Vehicle Code. (Added by Ord. 68-76, App. 3/12/76; Ord. 300-99, File No. 991830, App. 11/24/99)

SEC. 10C.3. COMPUTING AMOUNT OF REIMBURSEMENT.

The amount of the requested reimbursement or voucher shall not exceed the actual fee, charges or cost to the person requesting reimbursement or voucher nor shall such request exceed the amount of the usual towing and storage fees as stated in the most recent contract between the Purchaser of Supplies of the City and County of San Francisco and such companies, corporations or individuals for the towing and storage of vehicles made pursuant to Section 163 of Part II, Chapter XI, of the San Francisco Municipal Code (Traffic Code). (Added by Ord. 68-76, App. 3/12/76)

SEC. 10C.4. PAYMENT OF REIMBURSEMENTS.

The Chief of Police and the Director of the Department of Parking and Traffic shall designate a staff member of their departments to pay reimbursements not to exceed the amount authorized for payment of unlitigated claims under Section 10.21. Payments in excess of that amount shall be subject to approval of the Police Commission or the Parking and Traffic Commission and submitted to the Board of Supervisors for approval. Such payments shall be made from the Cash Revolving Fund as set forth in Sections 10.151-1 and 10.169-2. (Amended by Ord. 387-84, App. 9/7/84; Ord. 56-92, App. 2/20/92)

SEC. 10C.5. TIME LIMIT TO REQUEST REIMBURSEMENT.

Requests for reimbursement or exemption from payment of fees, charges or costs incurred must be presented to the Director of Parking and Traffic or his or her designee, on a form provided therefor, within 30 calendar days of the date of the tow of the vehicle. The Director, or his or her designee, may, in his or her sole discretion, extend this deadline for good cause shown. (Amended by Ord. 387-84, App. 9/7/84; Ord. 56-92, App. 2/20/92; Ord. 300-99, File No. 991830, App. 11/24/99)

SEC. 10C.6. INFORMATION REQUIRED.

Requests for reimbursement or a voucher shall be itemized, giving full particulars of all the circumstances known to the complainant. The Chief of Police or Director of the Department of Parking and Traffic may request such additional information as necessary to determine the legitimacy of the request or exemption. (Amended by Ord. 387-84, App. 9/7/84; Ord. 56-92, App. 2/20/92)

SEC. 10C.7. EFFECT OF POLICY OF INSURANCE.

No request for reimbursement or for a voucher, made pursuant to the provisions of this Chapter, shall be considered by the Chief of Police or Director of the Department of Parking and Traffic if the person requesting reimbursement or exemption has a policy of insurance that provides for reimbursement to the owner or one in lawful possession of the vehicle for towing and storage of vehicles or removal of component parts thereof under the same circumstances as the provisions of this Chapter. (Amended by Ord. 387-84, App. 9/7/84; Ord. 56-92, App. 2/20/92)

SEC. 10C.8. INVESTIGATION BY CHIEF OF POLICE OR DIRECTOR OF THE DEPARTMENT OF PARKING AND TRAFFIC; INDIGENT OWNER.

Should the owner of the vehicle or one in lawful possession sign an affidavit, under penalty of perjury, that said person is indigent and does not immediately have the funds to pay the accrued towing, storage or removal of component fee, the Chief of Police or the Director of the Department of Parking and Traffic or

his or her designee shall immediately make such investigation as necessary to ascertain if said indigent person is entitled to immediate possession of his or her auto without the payment of the fees incurred for towing, storage or removal of component parts of said auto.

(a) Should the Chief of Police, the Director of Parking and Traffic or his or her designee, after an investigation, decide that the towing, storage or removal of the component parts of an auto comes within the provisions of Section 10C.1(a), (b), (c), (d) or (e) of this Chapter and the owner of the vehicle or one in lawful possession signs an affidavit of indigency, the Chief of Police, the Director of Parking and Traffic or his or her designee shall issue a voucher directed to the person, firm or corporation having custody of the auto. Said voucher shall be on a form jointly approved by the Controller, the Chief of Police and the Director of the Department of Parking and Traffic.

(b) Upon presentation of this voucher to the person, firm or corporation having custody of the vehicle, the vehicle shall be repossessed by the person presenting the voucher, without further payment.

(c) The person, firm or corporation receiving the voucher may present the voucher to the office of the Police Department designated by the Chief of Police, or the office of the Department of Parking and Traffic designated by the Director of that Department, for payment of the fees stated on the voucher. (Amended by Ord. 387-84, App. 9/7/84; Ord. 56-92, App. 2/20/92)

Sec. 10C.8-1

(Amended by Ord. 387-84, App. 9/7/84; repealed by Ord. 191-05, File No. 051003, App. 7/29/2005)

SEC. 10C.9. REQUESTS TO BE UNDER PENALTY OF PERJURY.

All requests for reimbursement or exemption, presented pursuant to the provisions of this Chapter shall be under penalty of perjury. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.10. PROSECUTION OF PERSON RESPONSIBLE.

No request for reimbursement or a voucher shall be considered by the Chief of Police unless and until the person requesting reimbursement agrees in writing that said person will, without reservation, cooperate in prosecuting any persons responsible for any violation of law giving rise to the request for reimbursement or exemption. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.11. SUBROGATION.

Whenever reimbursement or a voucher is given or made, pursuant to the provisions of this Chapter, the City and County of San Francisco is subrogated to all rights and privileges, at law or equity, of the person, his or her heirs or assigns, to whom payment was made to recover any monies, from any source whatsoever, due to the person requesting reimbursement or exemption arising from the activity that caused the fees, charges or costs to be incurred. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.12. REPORTS BY THE CHIEF OF POLICE AND DIRECTOR OF THE DEPARTMENT OF PARKING AND TRAFFIC.

Each three months, the Chief of Police and the Director of Parking and Traffic shall forward to the Board of Supervisors a report containing the amount paid pursuant to the provisions of this Chapter, to whom paid and the justification therefor. (Added by Ord. 68-76, App. 3/12/76; amended by Ord. 56-92, App. 2/20/92)

CHAPTER 10D: [RESERVED]

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CHAPTER 10E: DOWNTOWN PLAN MONITORING

CHAPTER 10E: DOWNTOWN PLAN MONITORING

- Sec. 10E.1. Findings.
- Sec. 10E.2. Annual Report.
- Sec. 10E.3. Five year Report.
- Sec. 10E.4. Information to be Furnished.

SEC. 10E.1. FINDINGS.

The Board of Supervisors makes the following findings in support of this ordinance.

(a) The Planning Commission has adopted the Downtown Plan as part of the General Plan of the City and County of San Francisco, and the Board of Supervisors, acting upon the recommendation of the Planning Commission, has adopted amendments to the Planning Code called for in the Downtown Plan.

(b) The focus of the Downtown Plan is to prevent development where change would diminish the City's character or livability but to allow appropriately scaled development that would further the City's economic, fiscal and social objectives.

(c) The Downtown Plan is based on certain assessments about the ability of the City to absorb the impacts of growth in downtown San Francisco and the desirability of increasing housing, ridesharing and transit use in light of the anticipated downtown growth. The Downtown Plan proposes various actions which should be taken to achieve the following goals: An increase in the City's housing supply by an average of 1,000 to 1,500 new housing units per year; and increase in ridesharing to a point where the number of persons commuting by auto or van rises from 1.48 to 1.66 persons per vehicle; and an increase in the use of transit by downtown workers from 64 percent to 70 percent of all work trips.

(d) The Downtown Plan recommends the adoption of a formal process for monitoring progress toward Plan goals. This monitoring process is necessary to evaluate the effectiveness of the Plan and the impacts of downtown growth, and to make any adjustments deemed appropriate to the controls described in the Downtown Plan or to additions to the City's infrastructure and services.

(e) The purpose of this monitoring system shall be to determine whether the infrastructure and support systems necessary to accommodate the growth of downtown, particularly housing supply and transit capacity, have kept pace with development in the C-3 Districts. If downtown is growing at a faster pace than the necessary infrastructure and support systems, it may become necessary to make further efforts to slow down the pace of development, or devise additional mechanisms for providing required infrastructure and support systems.

(f) The Planning Department shall undertake a two-tiered monitoring program. The two tiers are: 1) An annual collection and reporting of data from selected sources that are gathered on a regular basis, and 2) every five years, a more extensive data collection effort that includes a cordon count of downtown oriented travel and an employer/employee survey. The annual monitoring should provide an early warning system for trends that may develop, indicating a shortfall in the long range goals. (Added by Ord. 500-85, App. 11/22/85; amended by Ord. 263-99, File No. 991548, App. 10/15/99)

SEC. 10E.2. ANNUAL REPORT.

The Planning Department shall prepare an annual report detailing the effects of downtown growth. The report shall be presented to the Board of Supervisors, Planning Commission, and Mayor, and shall address: (1) the extent of development in the C-3 Districts; (2) the consequences of that development; (3) the effectiveness of the policies set forth in the Downtown Plan in maintaining San Francisco's environment and character; and (4) recommendations for measures deemed appropriate to deal with the impacts of downtown growth.

(a) **Time Period and Due Date.** Reports shall be due on March 15th of each year, and shall address the immediately preceding calendar year, except for the five year report, which shall address the preceding five calendar years.

(b) **Data Source.** The Planning Department shall assemble a data base for 1984 and subsequent years for the purpose of providing the reports. City records shall be used wherever possible. Outside sources shall be used when data from such sources are reliable, readily available and necessary in order to supplement City records.

(c) **Categories of Information.** The following categories of information shall be included:

Commercial Space and Employment.

(1) The amount of office space "Completed," "Approved," and "Under Construction" during the preceding year, both within the C-3 Districts and elsewhere in the City. This inventory shall include the location and square footage (gross and net) of those projects, as well as an estimate of the dates when the space "Approved" and "Under Construction" will become available for occupancy.

(1) **Office Vacancy Ratio.** An estimate of the current office vacancy rate in the C-3 Districts and citywide.

(3) **Citywide and C-3 District Office Employment.** An estimate of additional office employment, by occupation type, in the C-3 Districts and citywide.

(4) **Tourist Hotel Rooms and Employment.** An estimate of the net increment or tourist hotel rooms and additional hotel employment in the C-3 Districts.

(5) **Retail Space and Employment.** An estimate of the net increment of retail space and of the additional retail employment relocation trends and patterns within the City and the Bay Area.

(6) **Business Formation and Relocation.** An estimate of the rate of the establishment of new businesses and business and employment relocation trends and patterns within the City and the Bay Area.

Housing.

(7) **Housing Units Certified for Occupancy.** An estimate of the number of housing units throughout the City newly constructed, demolished, or converted to other uses.

(8) **Office-Housing Production Program.** A summary of the operation of the Office/Housing Production Program and the Housing Affordability Fund, identifying the number and income mix of units constructed or assisted with OHPP monies.

Transportation.

(9) **Parking Inventory.** An estimate of the net increment of off-street parking spaces in C-3 Districts.

(10) **Vehicle Occupancy Rates.** An estimate of vehicle occupancy rates for vehicles entering the City.

(11) **Transit Service.** An estimate of transit capacity for peak periods.

(12) **Transit Impact Fee.** A summary of the use of the transit impact development fee funds, identifying the number of vehicles, personnel and facilities acquired.

Fiscal.

(13) **Revenues.** An estimate of the net increment of revenues by type (property tax, business taxes, hotel and sales taxes) from office, retail and hotel space.

(d) **Report.** The analysis of the factors under Commercial Space and Employment will provide an estimate of the increase in housing and transit demand. The comparison of increased demand with the increase in the supply of housing and in transit capacity will indicate the degree that the City is able to accommodate new development. Based on this data, the Department shall analyze the effectiveness of City policies governing downtown growth and shall recommend any additional measures deemed appropriate. (Added by Ord. 500-85, App. 11/22/85; amended by Ord. 263-99, File No. 991548, App. 10/15/99)

SEC. 10E.3. FIVE YEAR REPORT.

On March 15, 1990, and every fifth year thereafter on March 15th, the report submitted shall address the preceding five calendar years and, in addition to the data described above, shall include a cordon count of downtown oriented travel and an employer/employee survey, as well as any other information deemed appropriate for the purpose of monitoring the impact of downtown development. If the Planning Department determines that early warnings from the annual reports indicate the need for collection of the cordon count and employer/employee survey earlier than at five-year intervals, it may include such data in any annual report, and may include an analysis of data for a period of time earlier than the preceding calendar year. (Added by Ord. 500-85, App. 11/22/85; amended by Ord. 263-99, File No. 991548, App. 10/15/99)

SEC. 10E.4. INFORMATION TO BE FURNISHED.

It shall be the duty of the heads of all departments, offices, commissions, bureaus and divisions of the City and County of San Francisco, upon request by the Planning Department, to furnish such information as they may have or be able to obtain relating to the matters to be included in the reports required herein. (Added by Ord. 500-85, App. 11/22/85; amended by Ord. 263-99, File No. 991548, App. 10/15/99)

CHAPTER 10F: 1660 MISSION STREET SURCHARGE

CHAPTER 10F: 1660 MISSION STREET SURCHARGE

Sec. 10-F.1. Fee Surcharge.

Sec. 10-F.2. Annual Setting Of Surcharge Rate.

SEC. 10-F.1. FEE SURCHARGE.

At the time a fee is collected, a surcharge not to exceed: (1) 3 percent for the period commencing July 1, 1993 through June 30, 1995, (2) 4.5 percent for the period commencing July 1, 1995 through June 30, 2000, and (3) 6.5 percent for the period commencing July 1, 2000 through June 30, 2005, shall be charged and collected for the following categories of fees:

(a) San Francisco Fire Code Section 4.208 (Plan Review Fees);

(b) San Francisco Building Code Section 110: Tables 1-A through 1-C; 1-E through 1-F, excepting Item 10 in Table 1-F, Strong Motion Instrumentation Fee; 1-G through 1-Q; 1-S;

(c) San Francisco Public Works Code Sections 708.2; 716; 724.1; 724.8 and 725.3;

(d) San Francisco Planning Code Sections 351(a) through (d) and (f) through (l), and 352 through 357 of Article 3.5A or San Francisco Planning Code Sections 351 through 364 of Article 3.5, whichever is in effect;

(e) San Francisco Administrative Code Sections 8.28; 31.47; and Sections 31.46A(a)(1) through (12) and 31.46A(e), or 31.46(a)(1) through (9), whichever is in effect. (Added by Ord. 369-92, App. 12/23/92; amended by Ord. 150-93, App. 5/25/93)

SEC. 10-F.2. ANNUAL SETTING OF SURCHARGE RATE.

By June 1, 1993 and before June 1st of each year thereafter, the Mayor shall set the surcharge rate to be charged for the year, commencing the following July 1st. (Added by Ord. 369-92, App. 12/23/92; amended by Ord. 278-96, App. 7/3/96)

CHAPTER 10G: BOARD OF APPEALS SURCHARGE FOR PERMITS AND FEES

CHAPTER 10G: BOARD OF APPEALS SURCHARGE FOR PERMITS AND FEES.

- Sec. 10G.1. Surcharge Imposed; Categories of Permits and Fees.
Sec. 10G.2. Annual Adjustment of Surcharge Rate.

SEC. 10G.1. SURCHARGE IMPOSED; CATEGORIES OF PERMITS AND FEES.

In order to recover the cost to the City and County for the Board of Appeals permit review functions, at the time a fee for permit application, issuance, or review is collected, a surcharge in the amount specified shall be charged and collected for the following categories of permits and fees.

(a) For fees imposed by the Department of City Planning pursuant to San Francisco Planning Code Sections 351(h), 352(a), (except for fees imposed for hearings on Conditional Uses under Section 303 or Planned Unit Developments under Section 304), 353(a), 353(b), 353(c), or 355 for review of permits that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$11.00;

(b) For permits issued pursuant to San Francisco Building Code Section 110: Tables 1-A, 1-F, Item 3, 1-H, 1-K, Item 8, or 1-Q, Item 5 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$11.00;

(c) For permits issued pursuant to the San Francisco Public Works Code that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$1.00;

(d) For permits issued pursuant to San Francisco Police Code Section 2.26 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$17.00 for such permits issued by the Police Department and a surcharge of \$10.00 for such permits issued by the Entertainment Commission;

(e) For permits issued pursuant to San Francisco Police Code Section 2.26.1 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$9.00

(f) For permits renewals issued pursuant to San Francisco Police Code Section 2.27 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$17.00 for such permits issued by the Police Department and a surcharge of \$10.00 for such permits issued by the Entertainment Commission;

(g) For permits renewals issued pursuant to San Francisco Police Code Section 2.27.1 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$9.00.

(h) For permits issued pursuant to San Francisco Health Code Section 1009.53 that may be appealed to the Board of Appeals pursuant to Charter Section 4.106, a surcharge of \$56.00. (Added by Ord. 185-03, File No. 030916, App. 7/25/2003; amended by Ord. 282-03, File No. 031747, App. 12/19/2003; Ord. 188-04, File No. 040764, App. 7/22/2004; Ord. 188-05, File No. 051000, App. 7/29/2005)

SEC. 10G.2. ANNUAL ADJUSTMENT OF SURCHARGE RATE.

(a) Beginning with fiscal year 2004-2005, the Controller shall each year adjust the surcharges set in this Chapter without further action by the Board of Supervisors to reflect changes in the relevant Consumer Price Index.

(b) Not later than January 31 of each year, the Board of Appeals shall submit to the Controller data showing the allocation by department of origin for permits heard by the Board of Appeals during the previous fiscal year.

(c) No later than April 15th of each year, each department authorized to collect the surcharge pursuant to this Chapter shall submit its current surcharge schedule and, if applicable, the number of appealable permits filed during the prior fiscal year to the Controller, who shall apply the price index adjustment to produce a new fee schedule for the following year. In no event may the price index adjustment authorized by this Section cause the

surcharge authorized by this Chapter to exceed the department's allocable share of Board of Appeals costs.

(d) No later than May 15th of each year, the Controller shall adjust the surcharge to ensure that: (1) each surcharge produces sufficient revenue to support each fee category's allocable share of Board of Appeals costs, and (2) each surcharge does not produce revenue which is projected to materially exceed each fee category's allocable share of Board of Appeals costs. If the Controller determines that the surcharge and applicable price index adjustment will either (1) not adequately cover, or (2) exceed the projected cost of Board of Appeals review subject to the surcharge, the affected department shall file legislation that would adjust the surcharge for the affected department(s) to the appropriate level. (Added by Ord. 185-03. File No. 030916, App. 7/25/2003)

CHAPTER 10H: RECOVERY OF COSTS OF EMERGENCY RESPONSE

CHAPTER 10H: RECOVERY OF COSTS OF EMERGENCY RESPONSE

- Sec. 10H.1. Liability for Costs of Emergency Response.
- Sec. 10H.2. Appropriate Emergency Response Defined.
- Sec. 10H.3. Collection of Costs.
- Sec. 10H.4. Severability.

SEC. 10H.1. LIABILITY FOR COSTS OF EMERGENCY RESPONSE.

In accordance with the authority provided by California Government Code sections 53150-53158, any individual who is under the influence of alcohol or drugs or the combined influence of alcohol and drugs, and whose negligent operation of a motor vehicle, boat or vessel caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any individual whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, shall be liable for and shall pay to the City and County of San Francisco the costs of such appropriate emergency response. In no event shall an individual's liability under this section exceed the maximum allowable under state statute. (Added by Ord. 192-05, File No. 051004, App. 7/29/2005)

SEC. 10H.2. APPROPRIATE EMERGENCY RESPONSE DEFINED.

(a) For purposes of this chapter, "appropriate emergency response" is defined to mean those actions taken by a San Francisco Police Officer, Firefighter, Firefighter Paramedic, Emergency Medical Technician, or other employee of the City and County of San Francisco who responds to an incident, or provides law enforcement, firefighting, rescue or emergency medical services at the scene of an incident, if that incident is caused by the negligent operation of a motor vehicle, boat or vessel by an individual under the influence of alcohol or drugs, or the combined influence of alcohol and drugs, or by an individual's intentionally wrongful conduct. Those actions include, but are not limited to, the following:

(1) Stopping a motorist or operator of a boat or vessel upon the reasonable suspicion that he or she is under the influence of alcohol or drugs, or the combined influence of alcohol and drugs; determining whether a motorist or operator of a boat or vessel is under the influence of alcohol or drugs, or the combined influence of alcohol and drugs; preventing a motorist or operator of a boat or vessel who is under the influence of alcohol or drugs, or the combined influence of alcohol and drugs, from operating or continuing to operate a motor vehicle, boat or vessel; placing under arrest a motorist or operator of a boat or vessel who is under the influence of alcohol or drugs, or the combined influence of alcohol and drugs; arranging for the transport of a motorist or operator of a boat or vessel under the influence of alcohol or drugs, or the combined influence of alcohol and drugs; or arranging for the transport of his or her vehicle, boat or vessel to an appropriate location; or

(2) Responding to the scene of a vehicular or maritime accident involving injury to persons or property; responding to the scene of any other incident involving injury to persons or property; assisting persons injured, whether by the intentionally wrongful conduct of others, or by the negligent operation of a motor vehicle, boat or vessel while under the influence of alcohol or drugs or the combined influence of alcohol and drugs; transporting injured persons to an appropriate location; or performing any other acts at the scene of the incident or accident that are designed to prevent or alleviate harm or injury to persons or property. (Added by Ord. 192-05, File No. 051004, App. 7/29/2005)

SEC. 10H.3. COLLECTION OF COSTS.

(a) The hourly charges assessed to compensate the City and County for the personnel and equipment costs of an emergency response to an incident caused by an individual's intentionally wrongful conduct, or by an individual's negligent operation of a motor vehicle, boat or vessel while under the influence of alcohol or drugs, or the combined influence of alcohol

and drugs, shall be determined by the Fire Department, Police Department, Emergency Communication Department and the Department of Public Health, as to their respective personnel and equipment, in consultation with the Controller, and shall be established by ordinance.

(b) The City and County shall prepare all invoices and shall take all other actions necessary to collect the costs of an appropriate emergency responses as defined in Section 10H.2. The Fire Department, Police Department and the Department of Public Health shall cooperate with designated City and County officials to collect such costs, and within 30 days of any appropriate emergency response by their personnel, shall provide to the designated officials the information necessary to prepare and deliver an invoice for the collection of the costs of such response.

(c) If an individual reimburses the City and County for the cost of an emergency response in connection with negligent operation of a motor vehicle, boat or vessel under the influence of alcohol or drugs, or the combined influence of alcohol and drugs, the individual is charged criminally with operation of a motor vehicle, boat or vessel while under the influence of alcohol or drugs, or the combined influence of alcohol and drugs, and the judge or jury acquits the individual of the charge, or the District Attorney dismisses the criminal charge and that dismissal is not entered in exchange for a plea of guilty or no contest to a lesser-included offense, the City and County shall reimburse the individual for the costs of the emergency response. (Added by Ord. 192-05, File No. 051004, App. 7/29/2005)

SEC. 10H.4. SEVERABILITY.

In the event that a court or agency of competent jurisdiction holds that federal or state law, rule or regulation invalidates any clause, sentence, paragraph or section of this Chapter or the application thereof to any person or circumstances, it is the intent of the Board of Supervisors that the court or agency sever such clause, sentence, paragraph or section so that the remainder of this Chapter shall remain in effect. (Added by Ord. 192-05, File No. 051004, App. 7/29/2005)



